SPECIAL BICENTENNIAL ISSUE

TIME

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ABOUT THIS ISSUE:

Why 1789?

A year ago, we published our first special Bicentennial issue, showing how TIME might have reported the news of the week of July 4, 1776. Even before that issue had gone to press, some of the editors proposed a sequel dedicated to concluding the story that the events of 1776 had so gloriously begun. Once we decided upon a sequel, however, no single date stood out so decisively as July 4, 1776. For a time, we thought of focusing on the Revolutionary War's last great battle, the siege of Yorktown, where British forces surrendered on October 19, 1781. But that was not a definite conclusion to the war. We then considered an issue timed to the peace treaty that was signed on September 3, 1783. But the coming of peace found an exhausted America lacking in effective government. It was only in 1789 that the Declaration of Independence finally came to full fruition through the birth of a truly national government. Only in 1789, under a federal Constitution, did the new nation organize a political system that provided for the election of its first President. Only in 1789 did the first federal Congress come to grips with the need for a national judiciary, a national trade policy and, finally, in the last week of September, a Bill of Rights.

Only in 1789 did the American Declaration of Independence begin to have concrete consequences in the rest of the world. In France—which had bankrupted itself in supporting American independence—the Jeffersonian appeal for human liberties now threatened to lead to blood in the streets. Among the fascinated observers in Paris was Jefferson himself—only partly aware of how far the fires might spread.

The political tumults of 1789 also reflect something that we can observe outside of politics: the 18th century personality, the 18th century view of life. Despite its love of formality and order, it was an age in which men (and women) still believed that human intelligence and ingenuity could solve any problem. And so, just as we see political leaders grappling with fundamental questions of law and power, we can see different applications of the same attitudes in Christopher Colles' charting of the nation's roads and John Fitch's struggle to harness steam to navigation, and even in Charles Willson Peale's determination to stuff the Marquis de Lafayette's dead pheasants.

A team of 18 researchers and ten writers worked under Senior Editor Otto Friedrich, who also presided over our first Bicentennial issue, to turn all these marvels into a newsmagazine. They had to follow a few special rules:

▶ News traveled slowly and haphazardly in 1789. So we arbitrarily assumed that there was some way of getting distant American events into print within the week. For overseas news, we allowed a month—though our hypothetical Timor stringer had to be ingenious indeed to get the news of the mutiny on the *Bounty* to America in only three months.

▶ The Timor stringer also had to be ingenious to get a look at William Bligh's logbooks and diaries. We have assumed that this was not beyond the talents of TIME correspondents. We even assumed they were ingenious enough in their interviewing to ascertain views that the characters of 1789 only wrote down somewhat later in their letters and journals. But we report no facts that occurred after our deadline of September 26.

▶ We have retained a certain amount of standard 18th century terminology (the pirates of Algiers were called "Algerines," for example), but we have avoided the wilder eccentricities of 18th century spelling. Money, too, needs some clarification. In 1785, Congress had declared the official money unit to be the dollar, which meant the Spanish dollar, or a piece of eight, as American dollars had not yet been minted; but Americans also still dealt in the traditional pounds, worth $4.50 in those days, or about 50 of today's dollars.

▶ Most of our pictures are taken from the 18th century. In some cases, when no illustrations of a key scene or figure existed, we assigned artists to produce them specially for this issue. Louis Glanzman, who painted the Jefferson portrait on the cover of our 1776 issue, relied on both Jean Antoine Houdon's sculpture and Gilbert Stuart's paintings to produce the cover of this issue, but the result is strikingly his own.

This project has been, as much as before, both entertaining and rewarding. We all learned the Bill of Rights in school, of course, but as we look more closely at the dramatic circumstances in which it was born, we are reminded, as was Justice Holmes, that "we so long had enjoyed the advantages protected by bills of rights that we had forgotten that they had had to be fought for and could not be kept unless we were willing to fight for them." But though the Bill provides a focal point for this issue, there are other rewards. Any year that is marked by the music of Mozart and the poetry of Blake is worth commemoration on those counts as well.

Henry A. Grunwald

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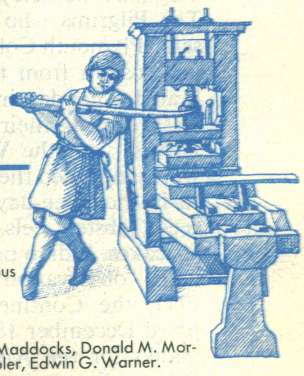

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TIME is published weekly except semi-weekly during the third week of May, $26.00 per year, by Time Inc., 541 N. Fairbanks Court, Chicago, Ill. 60611. Principal office: Rockefeller Center, New York, N.Y. 10020. James R. Shepley, President; Edward Patrick Lenahan, Treasurer; Charles B. Bear, Secretary. Second class postage paid at Chicago, Ill., and at additional mailing offices. Vol. 107 No. 21

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AMERICAN NOTES
A Time for Thanks

As Congress rolled toward this Tuesday's closing of an eventful first session, Representative Elias Boudinot of New Jersey introduced a resolution asking President Washington to proclaim a national day of public thanksgiving and prayer. This, he said, would encourage Americans to acknowledge, "with grateful hearts, the many signal favors of Almighty God, especially by affording them the opportunity peaceably to establish a constitution of government for their safety and happiness."

Boudinot's resolution would institutionalize an old American custom, first decreed by Captain John Woodleefe in Virginia's Berkeley Settlement in 1619. The Pilgrims who founded Massachusetts' Plymouth Colony borrowed a similar custom from the Dutch and celebrated a holiday in the late autumn of 1621, sharing their gratitude for a rich harvest with the Wampanoag Indians who had helped them achieve it (included in the three-day feast: turkeys, wild geese, lobsters, eels, gooseberries, plums, hoecakes, Indian pudding). Nor is a national observation unprecedented. In 1777, the Continental Congress proposed December 18 as a day of general thanks for the American victory over General Burgoyne at Saratoga. In 1781, the Congress ordained a similar celebration for December 13.

Like many resolutions nowadays, Boudinot's measure encountered some opposition. Protested Thomas Tucker of South Carolina: "Why should the President direct the people to do what perhaps they have no mind to do?" A majority of the House voted aye, however, and the Senate concurred. Their affirmation is appropriate. The conclusion of the first year of the national government provides good reason for public thanksgiving.

Who's Here

When someone proposed in the British House of Commons that a national census be taken, Yorkshireman William Thornton rose and denounced the idea as "totally subversive of the last remains of English liberty." Added he: "If any officer, by whatever authority, should demand of me an account of the number and circumstances of my family, I would refuse it; and if he persisted in the affront, I would order my servants to give him the discipline of the horse-pond."

Partly because of such strong objections, Britain still has no official census. But Article I of the United States Constitution states that Representatives in Congress "shall not exceed one in 30,000," and therefore a census is necessary. Although the census does not have to be officially compiled for three years, most estimates put the present population at about 3,700,000 (Virginia is the largest state, with about 725,000, then Massachusetts with 460,000). This means that the present total of 59 Representatives will be more than doubled.

Apart from the political need for a census, several scholars like Professor Edward Wigglesworth of Harvard have begun making statistical surveys on other aspects of the American population.

▶ Americans are 81 percent white and 19 percent black. Of the latter 96 percent are slaves.

▶ Divided by origin, 61 percent came from Britain, 10 percent from Ireland, and 8 percent from Scotland. The only other groups of any size are Germans (9 percent) and Dutch (3 percent).

▶ The birth rate is running at 5.5 percent per year. This means that the average number of children born to fertile women is 8.3.

▶ The death rate is 2.7 percent, but it is much higher among children. In Massachusetts and New Hampshire, for example, some 47 percent of all deaths occur among children under 16. Chief causes: consumption, fits.

▶ Because of so many childhood deaths, life expectancy at birth is only 35, but by the age of 10 it rises to 53. Women live longer than men, though the exact difference is not known.

All these figures can be interpreted in various ways, but the most striking element in all of them is America's youth and growth. Fortunately, the lands to the west provide almost limitless space for expansion, for, as Benjamin Franklin observes, "so vast is the futurity of North America that it will require many ages to settle it fully."

Like Dead Persons

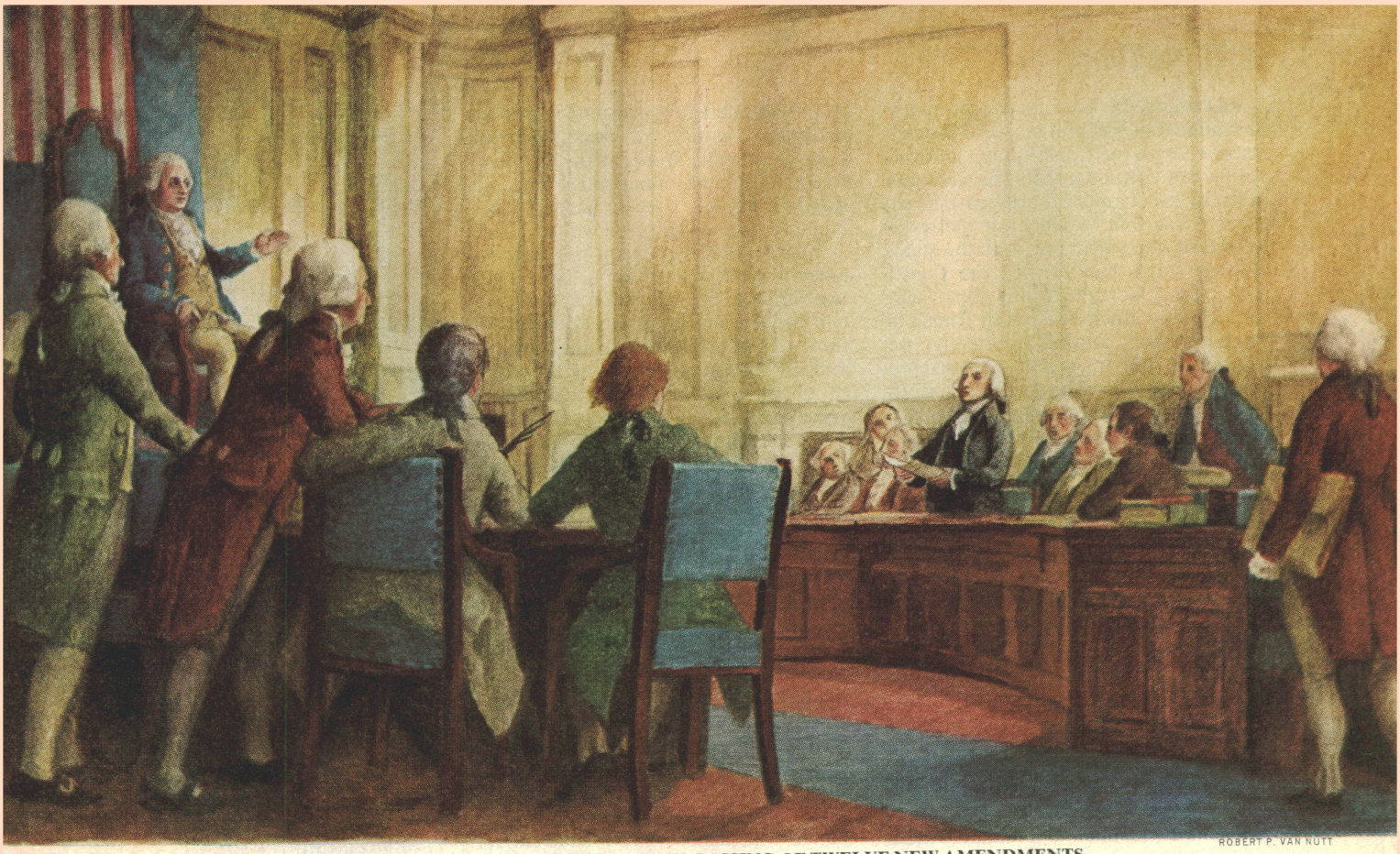
"A Tory is a thing whose head is in England and its body in America and its neck ought to be stretched." This wartime view of Americans who remained loyal to George III was so widely held that a few necks were indeed stretched, and about 100,000 people fled or were driven into exile, mostly in Canada and Nova Scotia. Does anyone owe them anything? The American states have consistently refused to pay any damages. But for six years now, a British commission with representatives in London, Halifax and New York has been sifting evidence given by 5,000 Loyalists who have actually submitted damage claims.

Their losses range from humble possessions ("a large brass kettel" and such things as feather beds, saddles and books) to a 150,000-acre New York estate valued at £103,162 sterling. In the heat of war, patriots tended to think that all Tories were rich. A Claims Commission report, now being completed in London by Director John Eardley Wilmot, offers a very different picture. Half the claimants are farmers. The others include tinworkers, coopers, carpenters, blacksmiths, tanners. Only a tenth turned out to be royal officeholders.

The British have promised to pay in full all proven claims up to £10,000 and to pay a portion of the few higher claims that have been filed. But nobody knows exactly when these payments will be completed. Since most of the states have rescinded the anti-Loyalist laws passed during the war, a few of the homesick refugees are returning to their old native land. They must live, says Teacher Robert Proud, a Loyalist who stayed secluded in Philadelphia during the war, "in a very private and retired way, even like a dead person."

CAPTAIN WOODLEEFE CELEBRATES FIRST THANKSGIVING IN VIRGINIA

ROBERT P. VAN NUTT



ROBERT P. VAN NUTT

VIRGINIA'S JAMES MADISON GUIDES HOUSE DEBATE THAT LED TO PASSING OF TWELVE NEW AMENDMENTS

THE CONSTITUTION/COVER STORIES

A Victory for the People

It was an event of a certain moral splendor, but the witnesses to the scene could hear no golden trumpets sounding. The progress of the American Bill of Rights into the world had been so long and wearisome that its birth last week, when the bill finally passed both houses of Congress in New York, seemed almost routine, like approval of some measure to clean a public well.

As the House and Senate Committee of Conference went about its final drudgery of language on the amendments, most members attended to other business or else idly read newspapers in the marble anterooms of Federal Hall; the cries of seagulls from the nearby harbor off Wall Street were sometimes louder than the politicians' murmurous conversations. At last, after a compression here, a deletion there, the Clerk of the House made this clumsy but historic notation: "A message from the Senate informed the House, that the Senate agree to the amendments proposed by this House to their amendments in the several articles of amendment to the Constitution of the United States."

Thus the work was done. After four months' gestation in this Congress, after many months more of a controversy that sometimes threatened the survival of the Constitution, the young Republic had its Bill of Rights. It remained for the states to ratify, but popular approval was hardly in question. Public outcry had been the compelling cause of the amendments. The new nation, so recently hooped into a federal unity by the Constitution, now had its much-sought assertion of civil rights, of protections rooted in the patrimony of both native tradition and English common law.

What does last week's document amount to? The twelve amendments—some may be dropped as the states consider them for ratification—have no official title, and they proceed rather plainly into American law, without preamble or embellishment. They are, for all that, a Bill of Rights—and are accepted as nothing less. Most of the amendments —trial by jury, protection against double jeopardy, due process of law, right to assembly, freedom from unreasonable search—have antecedents in English law. Others—like freedom of speech, of the press and of religion—have an American originality about them. In any case, the United States is the first nation ever to put such safeguards into its basic instrument of government.

Last month Representative Aedanus Burke of South Carolina denounced the amendments as "whip-syllabub, frothy and full of wind." In fact, the amendments represent a profound internal correction for the Republic's course. If the Constitution assured a vigorous central government, molding a republic out of separate and jealous states strung up and down the Atlantic coastline, then the Bill of Rights assures something just as necessary: those individual freedoms without which, as many Americans feared, their government might eventually abuse its individual citizens. There was a similar, larger fear that without a Bill of Rights a majority of the people might some day try to inflict its will unjustly on a minority. Said Virginia Congressman James Madison, the sponsor of the amendments *(see following page)*: "The great danger lies rather in the abuse [by] the community than in the legislative body."

By last spring, when Congress first gathered at Federal Hall under the rule of the new Constitution, the great debate between Federalists and Antifederalists, between supporters and opponents of strong government, had more or less subsided. Both sides now ac-

knowledged the need for a central government. The Federalists were basically satisfied with the Constitution, however, while the Antifederalists insisted upon a strong list of amendments, particularly upon those that would limit the power of the new government over the states. Eleven states had ratified the Constitution (and North Carolina shows signs of following along, with even Rhode Island probably joining eventually), yet five of the ratifying states expressed profound reservations about the Constitution's lack of a Bill of Rights. Said New Hampshire, which became the ninth state for ratification: "Certain amendments and alterations would remove the fears and quiet the apprehensions of many of the good people of this state." Virginia and New York gave their ratifications in such a way that they virtually demanded the protection of amendments. Virginia sent along a list of no fewer than 20 proposed amendments on rights. In a letter to Virginia's anti-ratification legislator James Monroe last year, Minister to France Thomas Jefferson expressed what may have been the general American sentiment: "This Constitution forms a basis which is good, but not perfect. I hope the states will annex to it a Bill of Rights securing those which are established against the federal government, particularly trial by jury, habeas corpus, freedom of religion, freedom of the press, freedom against monopolies and no standing armies. I see so general a demand for this that I trust it will be done."

There are two possible routes to amending the Constitution. One is for two-thirds of the states to request a second convention; the other, to have two-thirds of Congress approve amendments and send them to the states for ratification. New York and Virginia both favored an Antifederalist drive to call a new Constitutional Convention. Madison, like other Federalists, was deeply apprehensive that a new convention might end by tearing apart the structure so painstakingly erected two years ago. Said he: "The great danger is that if another convention should soon be assembled, it would terminate in discarding, or in alterations of the federal system which would throw back essential powers into the state legislatures... It would have a dangerous opportunity of sapping the very foundations."

By last January, as the mechanism of the newly approved national government began to take effect, Antifederalist agitation for a new convention had waned. Massachusetts refused to call for the second convention; it would be too

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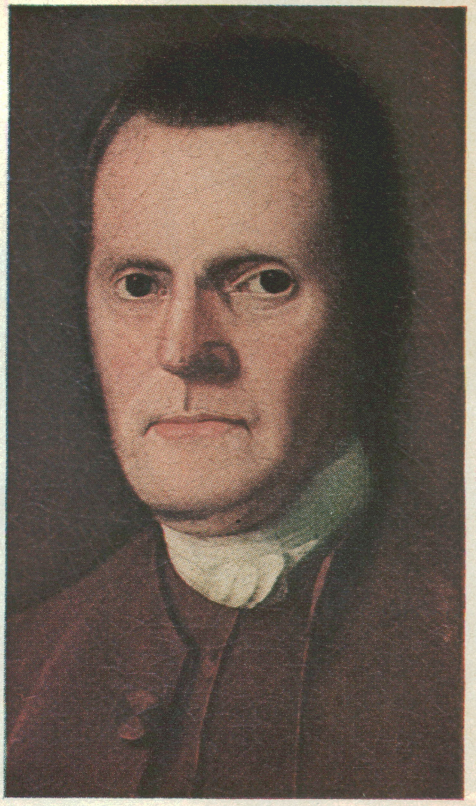


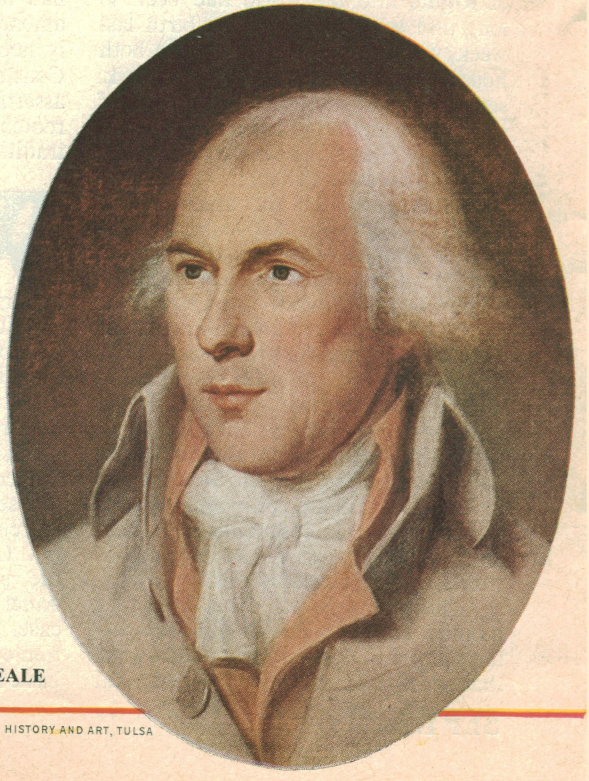
FEDERALIST ROGER SHERMAN
Solid good sense.

A Man Who Ha' Something to Say

Ideally, perhaps, a leader of Congress should be large and flamboyant, robust in health, a lion in speech and act. In fact, Virginia's James Madison Jr., 38, is a tiny, wispy man who usually dresses in black, from his silver-buckled shoes to the ribbon in his neatly powdered hair. He once suffered from severe headaches and other nervous conditions and now avoids any great physical exertion. His voice is weak, sometimes scarcely audible, and although he loves to argue, he argues cautiously, meticulously. French Chargé d'Affaires Louis Otto calls him "a man one must study for a long time in order to make a fair appraisal. Well educated, wise, temperate, gentle, studious ... he may one day be Governor of his state."

Madison insists on the use of "junior" after his name, for in Orange County, Virginia, where the bachelor Congressman still tries to spend several weeks each year, he remains somewhat overshadowed by his father, master of a 5,000-acre plantation (chief crop: tobacco). The oldest of twelve children, of whom nine survive, young "Jemmy" Madison got his first education from Donald Robertson, one of those tough-minded Scottish teachers who flourish in the southern states. Of Robertson's five-year dose of Latin, Greek, French (with a Scottish accent), logic, astronomy, mathematics, Madison now says he owes his bent for learning "largely to that man." His schooling continued at the College of New Jersey in Princeton, where President John Witherspoon introduced him to the political thinking of Montesquieu and Grotius as well as such Witherspoonian wisdom as "ne'er do ye speak unless ye ha' something to say, and when ye are done, be sure and leave off."

Madison graduated in 1771 and returned home to Montpelier to study law privately, but he was still undecided on a career when he heard the first thunderings of the war for independence. In April 1776, he stood for a seat in the colonial legislature and won, partly because of his father's local prestige. Though only 25 and reticent, he soon impressed his fellow legislators. When they drew up Virginia's Declaration of Rights, Madison persuaded them to proclaim not merely that all religious groups should be "tolerated," but that "all men are equally entitled to the full and free exercise of [their religion] according to the dictates of conscience." After only one term, however, Madison was defeated for re-election. Reason: he had primly neglected to maintain the tradition of free hard cider at the polls. Says he: "The old habits were too deeply rooted to be suddenly reformed [and] my reserve



MADISON BY C.W. PEALE

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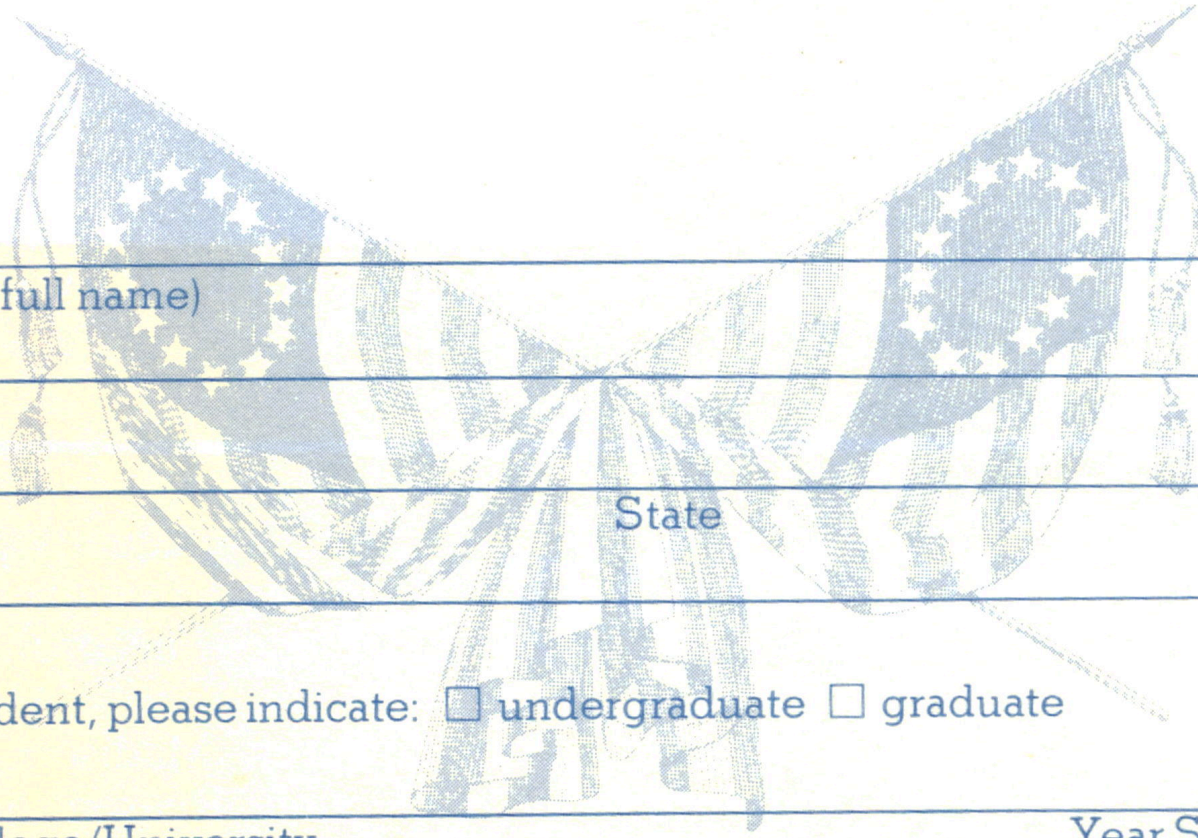

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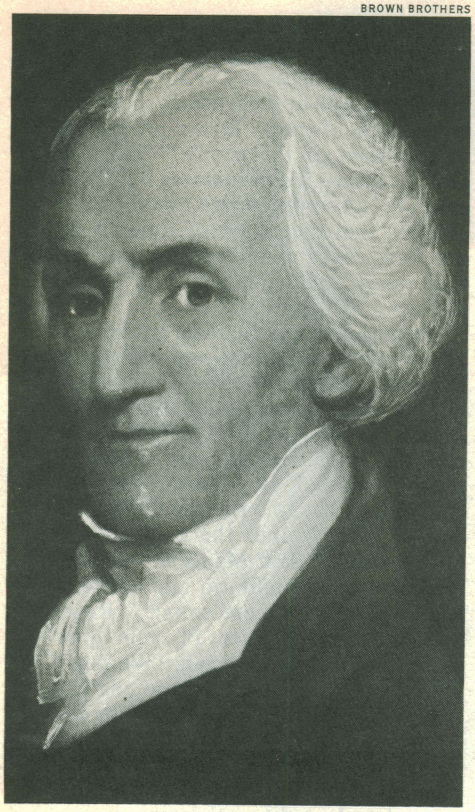


ANTIFEDERALIST ELBRIDGE GERRY
The old Grumbletonian.

expensive and possibly dangerous to the Union. New York's Antifederalist organization backed down as well, even though state officials were committed to requesting another convention and later did so. The scene was thus prepared for Congress to take up the issue.

Compared with the luminously talented architects of the Constitution, the 81 members of the House and Senate who began gathering in Federal Hall last March 4 are an undistinguished lot. Massachusetts' young Fisher Ames, 31, fresh from his victory over Sam Adams for a seat in the House, found himself "less awed and terrified" than he thought he would be by his colleagues, among whom he detected a certain "yawning listlessness." It may be that the best men, long familiar with the inefficacy of the old Congress under the Confederation, refused nominations to this one; or that the long and often nasty labors of last year's ratification conventions exhausted both the people and their politicians. Madison took an experienced look and wrote: "I see on the list of Representatives a very scanty proportion who will share in the drudgery of business."

Despite a certain mediocrity, however, the Congress does include some gifted legislators. One of them is Massachusetts' Elbridge Gerry, 45, a spare, dapper Harvard graduate, who at the Constitutional Convention two years ago was called "the old Grumbletonian." A wealthy Boston exporter, Gerry opposed the Constitution because he feared its concentration of power in federal hands, and he also opposed Madison's amendments though never stating a consistent position. Perhaps John Adams was right when he remarked that Gerry "opposed everything he did not propose." In any case, Gerry soon became the leader of the House forces opposed to Madison's resolution. Among Gerry's allies: Georgia's talkative English-born James Jackson; South Carolina's Dr. Thomas Tudor Tucker, an Edinburgh-trained physician and fervent states'-rightist; and Delaware's 30-year-old John Vining, the state's only Representative. On the other side, Madison pretty well had to carry the full load of debate himself, with only occasional procedural help from such as Egbert Benson of New York, Roger Sherman of Connecticut and Daniel Carroll of Maryland.

In the early spring, Congress straggled into the comparatively new-built city of New York—the great fire of '76 had gutted at least 500 buildings just as the British were occupying the city,

was imputed to want of respect."

By now, Madison was captivated by politics. He won a seat on the eight-man council of state that advised the Governor, and when that office was won by Thomas Jefferson in 1779, they began the friendship that has strongly influenced both men. They often exchange long letters on all kinds of affairs of state. Jefferson, nine years the elder, inspired Madison with his own passion for broad intellectual inquiry; Madison is more practical, with a dry wit that sometimes turns ribald. Jefferson has also taught Madison his own habit of recording daily temperatures and the measurements of local plants and animals.

Kept out of the war by his frail health, Madison won election in 1779 to the Continental Congress, where he specialized in such basic problems as military supply and finance. (He set a record for faithful attendance, unbroken for three years and six months.) He was frustrated and angered, however, by Congress's weakness and inefficiency. Just before his term expired in 1783, he wrote an "Address to the States" pleading for their "justice, good faith and honor" toward the Union. (He also had a more personal reason for unhappiness: his engagement to Catherine Floyd, 15, daughter of Representative William Floyd of New York, lasted less than half a year before Miss Kitty wrote him that she was in love with a medical student; she sealed her farewell letter with rye dough as "a profession of indifference.")

At home in Virginia, Madison once again turned to political research—a study that was to result in a memorandum, "Of Ancient and Modern Confederacies," which he was to use again and again in his defense of the Constitution. But local friends soon elected him to a new term in the state legislature, and so he became involved in all the maneuvering that led to the Constitutional Convention. There, it was Madison who privately wrote most of the "Virginia Plan" that Governor Edmund Randolph placed before the delegates. The whole framework of the Constitution —the creation of a national executive, a bicameral legislature and a federal judiciary—that whole structure came from the mind and pen of James Madison. Within the convention hall, more often than almost any other delegate, he was heard to "ha' something to say."

The convention's vote of approval in September was just the beginning of Madison's constitutional labors. Later that fall, Fellow Delegate Alexander Hamilton asked him and John Jay to join in writing a series of newspaper articles under the pseudonym "Publius" to persuade a reluctant New York convention to ratify the Constitution. The articles, collected last year under the title *The Federalist,* made as powerful an argument on the issue as has yet been devised.

Madison's greatest battle was to occur in his native Virginia. There the advocates of states' rights, inspired by the billowing rhetoric of ex-Governor Patrick Henry, assembled all their forces that summer to reject the Constitution as a usurpation of state authority. The weather was torrid, but Virginians crowded in from miles around to watch Henry and Madison do battle. Henry opened by questioning the very first words of the new Constitution: Why "we the people"? Why not "we the states"? For 24 days Madison and his cohort fought him through every page of the document. When Henry accused him of perilous experiments, Madison shot back that the nation was "approaching to anarchy," and that "experiments must be made." His skill prompted Delegate John Marshall to observe: "If [eloquence means] persuasion by convincing, Mr. Madison was the most eloquent man I ever heard."

Although the Constitution forbids any member of Congress to hold executive office, Madison has been serving unofficially all summer as President Washington's administrative assistant. Not only did Washington ask him to act as an intermediary in his selection of several new department heads but the President is using him to make preliminary decisions on the filling of many other federal offices. Madison further guides Washington on legislative matters and advises on presidential speeches. Small wonder that the towering President speaks fondly of the diminutive Representative as "my Mr. Madison."

and 300 more burned down two years later. For all that, New York is the Republic's second-largest metropolis (population: 30,000, *v.* Philadelphia's 42,000). It is bustling with commerce and nowadays an endless parade of job seekers. President Washington has been established in the handsome brick house at No. 3 Cherry Street. Vice President John Adams is installed in Richmond Hill amid almost rustic surroundings a mile and a half from Federal Hall. Most members of Congress found rooms near the hall, on Wall, Water or Great Dock streets. Madison moved into rooms at 19 Maiden Lane.

For weeks, the House busied itself with impost levies and other chores (*see* ECONOMY & BUSINESS), despite some frustrated cries to get on with the Bill of Rights. Not until June 8 did Madison rise amid the stately blue damask finery of the House and begin: "This day, Mr. Speaker, is the day assigned for taking into consideration the subject of amendments to the Constitution."

It is not clear just when Madison worked over the dozens of amendments proposed by the states and decided on the specific articles he meant to propose. He may have done some of the work at Montpelier, his home in Virginia. He obviously began his study with the Virginia Declaration of Rights (1776), which was written largely by George Mason and has no fewer than 16 articles, among them protection of press and religious freedom, prohibition of general search warrants and of cruel and unusual punishments. The principles of that declaration have spread far. John Adams relied heavily on them in drafting the Massachusetts constitution of 1780, and many other state constitutions also show their influence.

"It will be a desirable thing," said Madison, "to extinguish from the bosom of every member of the community any apprehensions that there are those who wish to deprive them of the liberty for which they valiantly fought and honorably bled." Those who resist the Constitution, he suggested, will join the Union if satisfied by a Bill of Rights.

Many, of course, have argued that such a bill is unnecessary—partly because most of the existing state constitutions already provide for such rights, partly because, as "Publius" (in this case, Alexander Hamilton) argued in No. 84 of *The Federalist,* "the Constitution is itself . . . a Bill of Rights." To the first objection, Madison replied: "It is too uncertain ground to leave this provision upon . . . Some states have no bills of rights, there are others provided with very defective ones, and there are others whose bills of rights are not only defective but absolutely improper." To the second, he answered broadly: "Nothing is in contemplation, that can endanger the beauty of the government . . . I think we should obtain the confidence of our fellow citizens as we fortify the rights of the people against the encroachments of the government."

Within that framework he proposed: freedom of religion, freedom of speech and press, freedom of peaceable assembly, the right to keep and bear arms, no peacetime quartering of troops without consent, no loss of life, liberty or property without due process of law, freedom from excessive bail and from unreasonable searches and seizures and the right to a speedy and public trial.

Mostly Madison had to face not so much philosophical argument as a parliamentary minuet of delaying tactics from the opposition that still hoped to force a major rewriting of the Constitution (for example, its provision allowing direct taxation). Georgia's truculent Representative Jackson was among the first to rise and declare: "We ought not to be in a hurry with respect to altering the Constitution," which he likened to "a vessel just launched and lying at the wharf." The whole business, said Jackson, was "if not dangerous and improper, at least unnecessary. Who are Congress, that such apprehensions should be entertained of them? Do we not belong to the mass of the people?" Elbridge Gerry, against a considerable weight of evidence, also pronounced himself "well satisfied that the people of America do not look for amendments at present; they never could imagine it to be the first work of Congress."

After many a parliamentary maneuver, a select committee was appointed in July to consider Madison's resolution, but the House voted to table its report. It was not until August 13 that the House took the resolution up again. The plan then, supported by Madison and the committee, was to write the rights provisions directly into the Constitution. "In that case," said Madison, "the system will remain uniform and entire; it will certainly be more simple." Roger Sherman, a Federalist of solid good sense, had a different plan: "We ought not to interweave our propositions into the work itself, because it will be destructive of the whole fabric." He suggested instead adding the bill as a supplement to the Constitution, an idea that was to be adopted a week later.

On August 15, a Saturday, the House began work on specific language. In Article I, the committee had written: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." New York's Peter Silvester questioned whether this might "have a tendency to abolish religion altogether." Madison proposed that the word national be inserted before "religion." Eventually, by a vote of 31 to 20, the House accepted the language of Samuel Livermore, who is also Chief Justice of New Hampshire: "Congress shall make no laws touching religion, or infringing the rights of conscience."

Again in Article I: "The freedom of speech and of the press, and the right

MADISON (SECOND FROM LEFT) AND OTHER MEMBERS OF SENATE-HOUSE COMMITTEE WORK OUT DETAILS IN BILL OF RIGHTS

ROBERT P. VAN NUTT

of the people peaceably to assemble and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed." Massachusetts' Theodore Sedgwick argued that the language would demean Congress in the eyes of the people: If one wanted to "consult," one had to "assemble." "It is derogatory to the dignity of the House to descend to minutiae."

So it went. As Madison wrote to Virginia Governor Beverley Randolph: "Progress has been excessively wearisome." On August 17 the House labored over the "right to bear arms." South Carolina's Burke tried to add an amendment ruling out a standing army in peacetime, but was defeated by 13 votes. Clauses on excessive bail, fines, and cruel and unusual punishments passed quickly, in a debate diverted only briefly by Livermore's argument that "it is sometimes necessary to hang a man, villains often deserve whipping, and perhaps having their ears cut off."

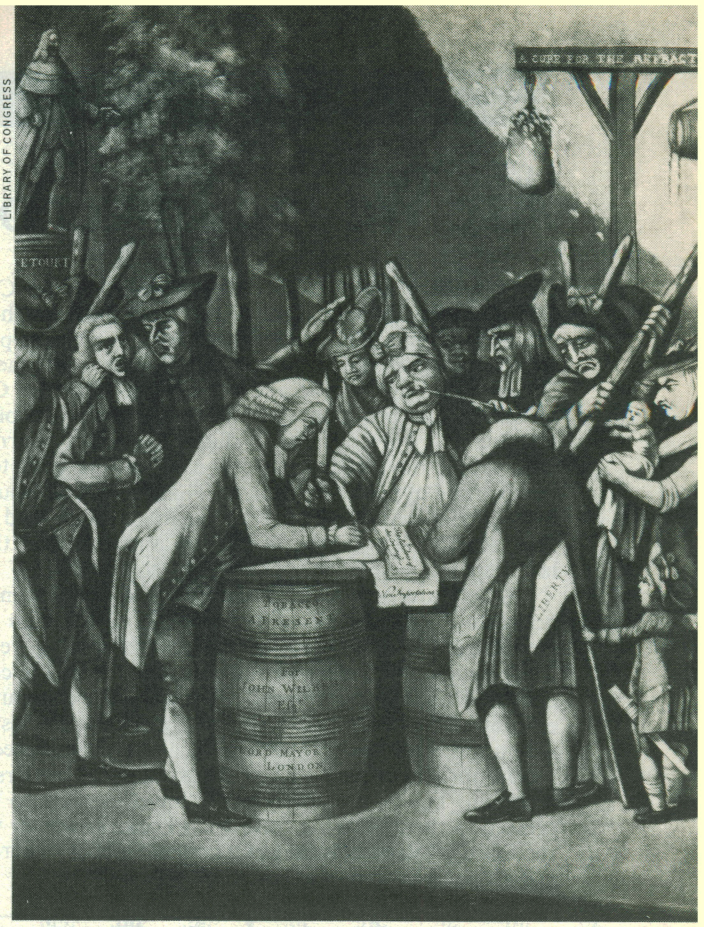
Surprisingly, few of the proposed amendments aroused much substantive debate. The near unanimity about what constituted the natural rights of man as opposed to government was remarkable. On the right to a speedy trial, to counsel and confrontation of witnesses, the House engaged only in brief lawyerly talk. Trial by jury was not even debated, just raised and adopted.

On September 2 the Senate, behind closed doors as always, took up Madison's resolution, which by now consisted of 17 articles. It displayed a remarkable talent for editing—simplifying language, consolidating articles and ideas. Much of this intellectual rigor was no doubt supplied by Virginia's Richard Henry Lee, who, though lacking Jefferson's formidable gifts, is a persuasive writer. When one Senator proposed postponing the resolution until the next session of Congress, waiting until experience proved amendments necessary, Lee exploded: "As if experience were necessary to prove the propriety of those great principles of civil liberty which the wisdom of the ages has found necessary barriers against encroachments of power in the hand of frail man!"

Lee's words had roots in a deep tradition. The first settlers came to the American forests as Englishmen; despite their religious differences, they knew themselves heirs to the Magna Carta and the common law. That tradition gave them certain protections against the arbitrary power of kings—of strong central government. As early as 1694, English Chief Justice Sir John Holt ruled that "all laws in force in England are in force [in the colonies]." In civil law, trials by jury had been cherished since the 11th century, the right to counsel since the 12th, the prohibition of excessive fines since the 13th. The Petition of Right (1628) forced Charles I to recognize that no freeman should lose life, liberty or property without due process of law.

In the beginning years, the colonists were too occupied with their new homes and livelihoods to bother much about explicit legal rights. They adapted their English traditions to a rough local sense of law. Yet the particularly American experience of religious dissent contained in seed a notion of freedom of conscience; from that belief, Americans came to develop laws that led, in time, to constitutions based upon religious toleration, free speech and a free press.

One colony after another (Maryland in 1639, Massachusetts with its Body of Liberties in 1641, then half a dozen others) set about codifying citizens' rights. By 1701, all of the colonies had at least some written guarantees in effect. Americans abided more or less comfortably with that law for the next 63 years, until the British Revenue Act, which imposed a wide variety of new taxes and began the cycle that led to war and independence. In its protests, the Continental Congress proclaimed a line of reasoning, drawn from John Locke, that the colonists were entitled to life, liberty and property, and could not be deprived of them "without their consent." Deriving from those were the rights of assembly and petition, jury trial, participation in legislatures. In its 1774 Address to the People of Quebec, the unsuccessful attempt to lure Canada away from Britain, the Congress proclaimed the glories of jury trial and habeas corpus and, for the first time in history, the right to a free press.



LIBRARY OF CONGRESS

TARRING AND FEATHERING IN WARTIME VIRGINIA
A majority sometimes forgets others' rights.

But disturbing evidence accumulated that the states could not or would not protect individual freedoms in the turbulent context of war. Tories were tarred and feathered, jailed and otherwise abused. Observing such spectacles, Madison said: "Experience proves the inefficacy of a bill of rights on those occasions when its control is most needed."

After the 1787 Constitutional Convention's Committee of Detail proposed enormous new powers for a national government, men like Virginia's Mason and South Carolina's Charles Pinckney saw dangers. Pinckney offered the Convention a list of propositions that amounted to a bill of rights, and the Convention turned him down. But the popular will was obviously on the side of some such bill. Debates over ratification of the Constitution turned again and again to the absence of a bill. An "Old Whig" in Philadelphia's *Independent Gazetteer* seriously questioned: "What is there in the new proposed constitution to prevent [a conscientious objector's] being dragged like a Prussian soldier to the camp and there compelled to bear arms?"

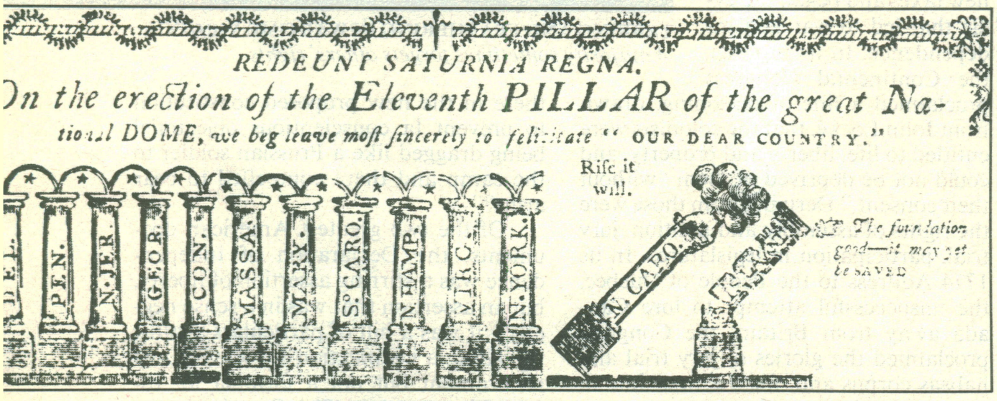
Of the two greatest American documents, the Declaration of Independence was a stirring assertion of liberty, but an assertion that was in a sense negative: it was a bill of particulars against the King, a justification for leaving one government but not a formula for establishing another. The Constitution at last gave the nation as a whole its strong and subtle governmental form, but not those assertions of individual liberty without which the entire experiment might eventually become pointless.

After years of war and instability, Americans are looking for some core in their political institutions. So far, that core has been provided by the educated, often moneyed leaders. Now there is Washington as a single great figure for the people to rely on. But after him, what? Thus the Bill of Rights that came out of Congress last week represented a heavy counterweight on the other side, on the side of individuals, of difference and nonconformity and dissent—on the side of those ideas for which the American wilderness was peopled in the first place. As Madison wrote in the tenth *Federalist* paper: "Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty . . . because it nourishes faction, than it would be to wish the annihilation of air."

Are We In Danger of Democracy?

"We the People" begins the preamble to the Constitution. But what people? One of the most insistent themes of the Philadelphia Convention two years ago was a profound mistrust of "the people," a palpable though sometimes merely elegant fear of democracy as mob rule. Elbridge Gerry of Massachusetts pronounced democracy "the worst of all political evils." New Jersey's William Livingston warned that "the people have ever been and ever will be unfit to retain the exercise of power in their own hands." Or as Gouverneur Morris once wrote: "The mob begin to think and reason. Poor reptiles! They bask in the sun and ere noon they will bite, depend upon it. The gentry begin to fear this."

Americans now seem in the toils of a deep inconsistency between abstract ideals of human worth ("All men are created equal") and the practical politics of human government. That inconsistency derives quite naturally from the country's unsettled history since the end of the war—the disreputable inefficacy of the central government under the Articles of Confederation, and the intimations of anarchy glimpsed in the recent uprising of debt-ridden Massachusetts farmers, Shays' rebellion. The country's leaders themselves seem to have regressed in their thinking from John Locke's sweeter vision of the State of Nature to that of Thomas Hobbes, wherein man is dangerous and unregenerate.



NEW-YORK HISTORICAL SOCIETY

WOODCUT IN *MASSACHUSETTS CENTINEL* SHOWS PROGRESS ON RATIFICATION

At the root of the argument is the relationship between liberty as self-government and liberty as the freedom of self from government. Locke preached the natural rights of man as "life, liberty and property." In Jefferson's formula, it became "life, liberty and the pursuit of happiness." Yet property and liberty have always been closely associated, and never more so than in this land of independent farmers and merchants. In the eyes of many, uncontrolled democracy and equality would be a threat to both. James Madison has expressed fears of "a rage for paper money, for an abolition of debts, for an equal division of property [and for] any other improper or wicked project." He is convinced, in other words, that popular democracy would prove hostile to property and therefore to liberty.

Yet Madison also argues an apparently contrary principle: "It seems indispensable that the mass of citizens should not be without a voice in making the laws which they are to obey." In that statement lies a hardheaded political judgment: Since Americans have rejected the sovereignty of kings, the people as a whole must be the ultimate source of government's authority. But American leaders have agreed that the government must be so contrived—through representative rule, the separation of powers, the intricate but forceful system of checks and balances—that, as John Adams believes, the rich and poor can be kept from plundering one another. The division, of course, implies more: the learned *v.* the ignorant, the disciplined and industrious *v.* the undisciplined and slothful.

To what extent does the American experiment in republicanism actually express the will of all Americans? At the Constitutional Convention, most delegates came from the groups that Alexander Hamilton expected to govern: "Landholders, merchants and men of the learned professions." Suffrage requirements designed to limit government to men with roots have disqualified many of those without land and property, among whom Antifederalist sentiment has been common. Probably no more than 3 percent of the male population actually balloted upon the choice of delegates to the various state conventions (it must be remembered, of course, that no more than a quarter of eligible voters were accustomed to casting their ballots in any election).

Yet despite the limited franchise, many Americans have grown more and more active in their public affairs. In addition to considerable mob agitation in behalf of independence, men have pursued more formal avenues of participation. And they have often insisted upon principles that might almost be called democratic. In 1777, Hanover, New Hampshire, included in its instructions to its delegates at a post-independence convention specific approval of a pamphlet entitled "The People the Best Governors," which said in part: "God gave mankind freedom by nature, made every man equal to his neighbor, and has virtually enjoined them to govern themselves by their own laws." In New Jersey, the legislature tried to maintain the land qualification for voting for its members, but loud complaints from the people forced it to yield. New Jersey even permits its women to vote—although the practice was originally authorized by an oversight rather than as an endorsement of female suffrage.

The loudly sounded mistrust of "the people" may therefore be a measure of how far the popular appetite for democratic ideas has developed. When Congress passed the Bill of Rights last week, it acknowledged the force of this appetite.

It is difficult to know where a democratic current might lead. The nation, 2,500,000 people in 1776, has grown by 1,200,000 since then. Dreamers of dreams (or nightmares) can glimpse vast populations in a future America, people crowded together but alien to one another, as in some cities even now. They can imagine the right to vote not moored to the stability of property, or even of education, but free for anyone to use on mere whim. Is that what democracy would mean? The rational answer surely ought to be that it could not work, that too many of the conflicting claims of individuals and groups must disastrously clash. The very idea of American order requires the maintenance of enlightened self-interest —the insight that one's selfishness must be curbed lest others' selfishness become a threat to oneself. Yet can such a rational balance endure? Would it not be devoured by the self, by a million selves, unfettered by a higher loyalty?

Americans, with a faith in their own originality, may yet find ways to preserve the precarious balance between liberty and equality, between a freedom that does not injure others and an equality that does not destroy the rewards of excellence. It can never be easy. But should Americans succeed in taming their inner wilderness, it would be one of the greatest achievements of self-government in history.

CULVER PICTURES

WASHINGTON ENTERING NEW YORK FOR INAUGURATION. THE POWER TO GOVERN MAY DEPEND ON SUCH ADULATION

THE PRESIDENCY

'A Path As Clear As a Ray of Light'

I walk on untrodden ground. There is scarcely any part of my conduct which may not hereafter be drawn into precedent.
—George Washington

In the flurry of congressional adjournment, President Washington last week completed the list of the men he has chosen to head the executive departments. Since Henry Knox and Alexander Hamilton were named Secretaries of War and Treasury a fortnight ago, the President has thus put together what might be described as his cabinet council, the chief officers of his first administration.

Most notable of the new appointments is Virginian Thomas Jefferson, presently Minister to France, who will become the first Secretary of State. Jefferson will not only replace John Jay as Secretary for Foreign Affairs—enabling Jay to become Chief Justice (*see* THE LAW)—but will assume responsibility for a miscellany of domestic duties like distributing all new laws to the state Governors. The President also appointed Edmund Randolph as the nation's first Attorney General, and Samuel Osgood as Postmaster General.

Together with Congress's latest actions across the broad range of popular rights, a federal judiciary and tariff acts (*see* ECONOMY & BUSINESS), Washington's naming of these men means that the nation is truly making a start toward the kind of government that he has long believed it must accept in order to survive—a federal system with the right to tax, regulate trade, pay its debts and support a military establishment in the common defense. The President has majestically described this process—"a whole people deliberating calmly on what form of government will be most conducive to their happiness" —as a greater drama "than has heretofore been brought on the American stage or any other in the world." But, despite its provisional acceptance, no one knows better than Washington how perilously the experiment still depends on him alone.

The men who created the Constitution two years ago were haunted by the memory of George III. They would never have gone as far as they did in granting power to the presidency if they had not been encouraged by the presence of Washington himself at the Convention. Everybody there knew how the former Commander of the Continental Army was twice offered virtually absolute power during the war, once rejecting it and once relinquishing it as quickly as possible. Because everyone also knew that Washington would be chosen President, the delegates, after a long fight, yielded on various attempts to limit executive power—among them a popular plan to keep Congress free of the presidential veto, and another to create an executive committee without whose approval the President could not act.

Even after granting him command of the armed forces, the direction of foreign affairs and the right to make appointments (subject to the Senate's advice and consent), the delegates purposefully left all the remaining presidential powers to a single vague and enigmatic sentence: "The executive power shall be vested in the President of the United States of America." As a result, the first session of the Congress has been something very like a second Constitutional Convention, with the lines of government shaped not on paper but by personality and practice. If, as Thomas Paine once wrote, all government, like dress, is "the badge of lost innocence," the cloth of American government this summer has been systematically fitted to the character of George Washington.

Last April, when the President-elect traveled up from Mount Vernon to New York, his progress was like a Roman carnival. All along the route, guns thundered for him. Firecrackers popped. Rich ribbons of rhetoric entwined him. White-clad maidens strewed flowers in his path, and choruses sang hymns to the ambiguous tune of *God Save the King,* fitted with new words ("Joy to our native land/ ... For Washington's at hand,/ With glory crowned"). The singers were honoring the Citizen Soldier who had turned years of privation and

retreat into miraculous victory, Washington as demigod.

Washington's present power to shape a stable government around him depends a great deal on exactly that kind of public adulation. But Washington distrusts it, and fears its abuse as much as do the Antifederalists who constantly worry that a monarchy may somehow be established in America. The flesh-and-blood President whom New Yorkers have intermittently seen this summer is indeed anything but a demigod. At 57, grown partly deaf and almost toothless* in the service of his country, he remains, even to those who know him best, a remote and somewhat perplexing figure. In an age of ambition, Washington genuinely seems to dread power, yet power again and again has been thrust upon him, almost as if Providence desired it. Even Washington's enemies concede his greatness; even his friends are sometimes at a loss to explain exactly what makes him great.

Incorruptible virtue, an unmatched sense of justice, a sound administrator's care for detail, an almost Roman stoicism when it comes to duty—all these are variously granted to him. But in New York he is a planter in a forest of lawyers. How will he do, some critics wonder, commanding the ambitions of men as diverse as Hamilton and Jefferson, whose intellect and training, especially in law, are far superior to his own? Characteristically, the President has private misgivings about his qualifications for maintaining such a coalition of opposing forces. "My movements to the chair of government," he wrote Henry Knox this spring, "will . . . not be unlike those of a culprit who is going to the place of his execution . . . I face an ocean of difficulties, without that competency of political skill, abilities and inclinations which is necessary to manage the helm."

What concerns Washington most is that there are no precedents for the authority he exerts or the way he is to act. This uncharted area extends from matters of national policy to the smallest details of presidential protocol. With what degree of ceremony should he receive his fellow citizens? How, indeed, should he be addressed? Every step of the way, the President has been watched by suspicious lawmakers, who fear that any prerogative granted Washington today might be misused by future Presidents. As Washington has remarked, "The eyes of Argus are upon me."

The issue of ceremony has been peculiarly troublesome. Before the new President was even inaugurated, for example, Congress split heatedly on how he should be addressed. To Washington's relief, the House voted down any fancy title. But he has found that his fellow citizens are easily exercised for and against such things as his cream-colored coach, which is decorated with medallions and gilt trim and carries on each door the family coat of arms—bars and stars topped by a griffin with the motto *Exitus acta probat* (The end proves the deed). Six cream horses and four liveried servants help convey the President from his temporary residence uptown on Cherry Street to Federal Hall. Like the seven black slaves who help Martha Washington run the presidential mansion, both carriage and horses came from Mount Vernon and are Washington's personal property, not the trappings of office. The coach was given to Martha Washington in gratitude to her husband by the government of Pennsylvania in 1777.

Even the presidential bow has come under criticism. Some observers found it far too stiff and monarchical for a republican Chief of State. Washington was hurt. The stiffness of his bow, he told a friend, should be ascribed to the effects of age, or to the unskillfulness of his teacher, rather than to pride of office, which, he says, has no charms for him.

To show how unregal he is, the President has made personal calls on every Congressman in New York. Without either falling into familiarity or aping sovereignty, he was anxious, he said, to make himself available to the people. But as dispatches from the troubled western frontiers poured in (*see page 22*), and the list of government job seekers he must investigate grew longer, and as more and more people came to Cherry Street just to gawk, the busy President saw that he might soon become "little more than a maître d'hôtel."

Accordingly, as he has on every matter of government, he took detailed advice—consulting Hamilton and James Madison, John Jay and Vice President Adams among others. The result was the strict social schedule now adhered to. There is one levee a week, on Tuesday from 3 to 4, which any male citizen properly clad can attend without invitation—subject to some "scrutiny" at the door. One formal dinner a week, Thursdays at 4, to which in regular sequence Congressmen, members of the government and other notables are invited. One tea a week, on Friday evenings, open to both sexes. The President cheerfully appears without hat or sword, to reassure the guests that the occasion is informal, but the ladies come dressed for court, with their hair piled up, as is the fashion now, and studded with beads and feathers. "Lady Washington," as she is sometimes called, is everyone's favorite, particularly noted for her kindness, her rich catering, and her fancy Belgian lace caps. Her teeth and hair are both very white.

The teas are the only parties that Washington seems to enjoy. Friends say he has always been partial to ladies. At the levees, there is a certain stiffness. Guests are ranged in a circle around the

continued on page 14

*During Washington's recent illness (*see* MEDICINE), Dr. John Greenwood made him a new set of false teeth carved mainly from hippopotamus tusks and edged with pink sealing wax.

The President's New Men

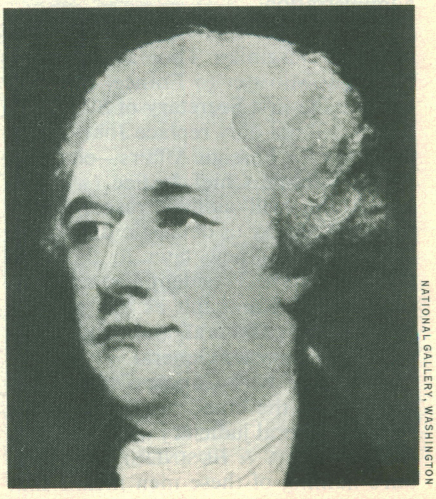
The exact role of the heads of the executive departments is not yet known, but the President has selected five extraordinary men.

SECRETARY OF THE TREASURY: Alexander Hamilton, 34. The youngest of the President's appointees could become the bugbear of the new government. He was born out of wedlock on the Caribbean island of Nevis, the son of James Hamilton, a hapless offshoot of the Scottish landed gentry, and Rachael Lavien, who had left her planter husband. The young Hamilton's great intellectual gifts stirred local merchants to pay his way to study at King's College in New York. In 1776, at 21, he joined the Revolution as a captain of artillery. Soon afterward he found his way to Washington's staff and eventually attained the rank of lieutenant colonel.

Since then, Hamilton has become a successful lawyer and bank director and has married an heiress (Elizabeth Schuyler, daughter of Senator Philip Schuyler, and now a mother of four). A New York delegate to the Constitutional Convention and a firm believer in executive authority, Hamilton has been a fierce defender of the new Constitution, most memorably by writing more than 50 of the 85 *Federalist* papers under the name "Publius."

Though he is known to have a flaming temperament, the new Secretary of the Treasury is a small, neat, handsome, usually formal man. "Damned sharp," Robert Morris of Pennsylvania once summed him up. He thinks with great speed and with awesome analytical skill. Few men question his personal honesty, but enemies deplore his close connections with New York speculators. Many believe that Hamilton's rumored plan to fund the nation's outstanding debts will be adopted. If that happens, some fear, the Secretary of the Treasury may be-

HAMILTON BY JOHN TRUMBULL

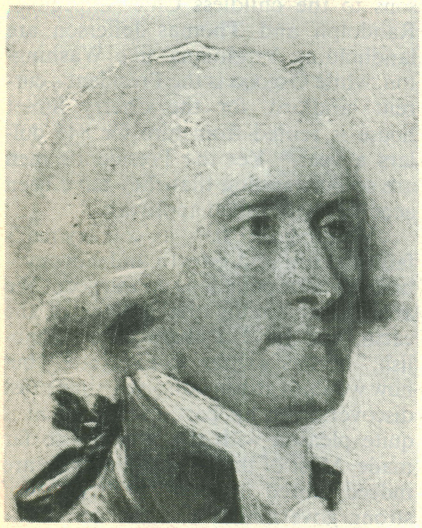


NATIONAL GALLERY, WASHINGTON

come something like a prime minister (in the style of the younger Pitt, whom he much admires).

SECRETARY OF STATE: Thomas Jefferson, 46. Author of the Declaration of Independence, wartime Governor of Virginia, postwar Minister to France, the new chief of foreign affairs is one of the few American leaders with an international reputation. But he has his enemies. When he was presented to King George in London, the monarch turned his back. Jefferson is used to fending for himself in foreign capitals, however. In Paris, in order to convince a skeptical Comte Georges de Buffon that such a thing as a moose actually exists, he had a full-grown moose—antlers, head, hide, bones and all—shipped from New Hampshire and presented to the famous French naturalist with his compliments.

Jefferson is a man of paradox. "I would rather be shut up in a modest cottage," he has written, "dining on simple bacon and letting the world roll



METROPOLITAN MUSEUM OF ART, BEQUEST OF CORNELIA KRUGER

JEFFERSON BY JOHN TRUMBULL

by as it liked, than to occupy the most splendid post." Yet he loves fine wines and rich food, reads Euripides in the original Greek, and has designed and built Monticello, near Charlottesville, one of the stateliest private homes in America.

His political views may seem paradoxical too. Jefferson seems to have trouble in handling broad administrative authority. "I do not love difficulties," he explains. "I am fond of quiet." Much of his job as the new Secretary of State, however, will involve the complexities of dealing with foreign powers. (Jefferson is one of very few American statesmen with a knowledge of French and Italian.) Although he has misgivings about centralized power, he himself suffered when trying to negotiate enduring trade agreements for an America that had no strong national government.

SECRETARY OF WAR: Henry Knox, 39. The only department head held over from the Confederation gov-

INDEPENDENCE NATIONAL HISTORICAL PARK COLLECTION

KNOX BY CHARLES WILLSON PEALE

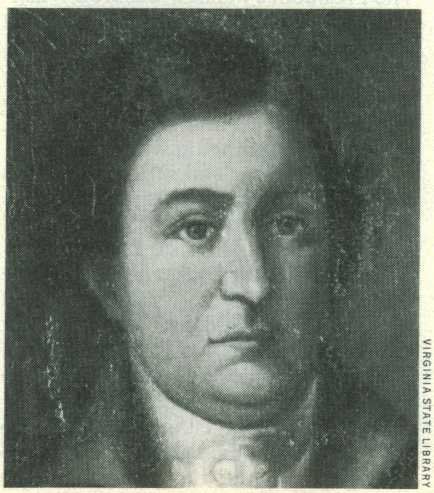
ernment is a shrewd, convivial, kindly and mountainous Bostonian (he stands over 6 feet tall, weighs more than 280 pounds).

Starting with little experience save in his own bookstore, where he also sold wallpaper and, as he put it, "a never-failing cure for the bite of a mad dog," Knox built up Continental artillery from almost nothing to its impressive peak of performance at Yorktown. Washington reported to Congress: "His genius supplied the deficit of means."

In 1783 Knox replaced Washington as commander in chief, then oversaw the reduction of the Army—eventually it contained only 80 men. Knox retired. But in 1784, when troubles on the Indian frontiers began to multiply, Congress tried to raise 700 men and fewer than 400 showed up. It turned to Knox, making him Secretary at War. He has held the job ever since. Married to the former Lucy Flucker, daughter of a Crown official, he has six children.

ATTORNEY GENERAL: Edmund Randolph, 36. The name and title go together, for Randolph has served as Virginia's Attorney General, like his father and uncle, his grandfather and great-grandfather. After that, he served two terms as Governor. On

ATTORNEY GENERAL RANDOLPH



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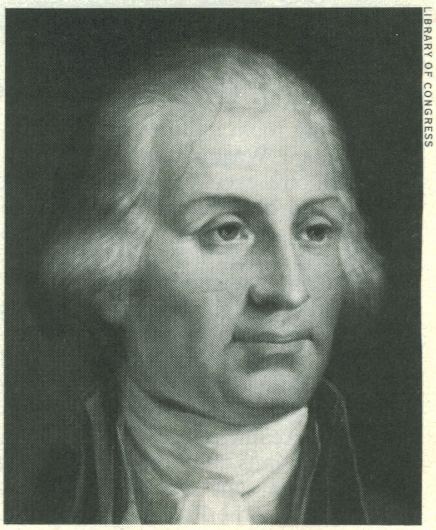
the side, he oversees nearly 200 slaves and about 7,000 acres of debt-ridden land. A tall, graceful man with a deep, mellifluous voice and a courtly manner, Randolph is very much devoted to his four children and his wife, the former Betsy Nicholas.

At the start of the war for independence, Randolph's Loyalist father migrated to England. Edmund nonetheless joined the Continental Army in 1775 and served several months on Washington's staff. The new Attorney General has been criticized, however, for not making up his mind on the issue of states' rights *v.* the Constitution. At the Convention in Philadelphia, Randolph presented the "Virginia Plan," which became the basis for the final text, then refused to sign the Constitution, partly because it lacked a bill of rights, then veered again and became one of the leaders of the fight for ratification.

POSTMASTER GENERAL: Samuel Osgood, 41. He is another old sol-

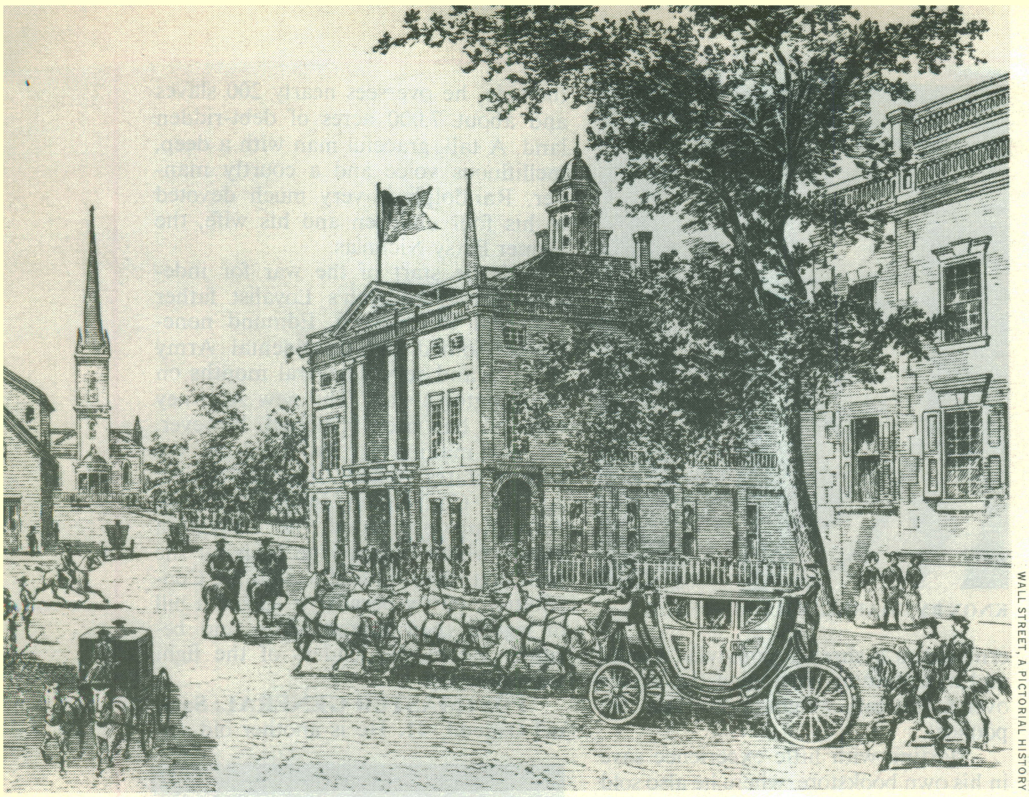


LIBRARY OF CONGRESS

POSTMASTER GENERAL OSGOOD

dier, though he once planned to enter the ministry. In 1775 he commanded a company of Minute Men in Massachusetts, ending his service with the rank of colonel. Elected to the Continental Congress, Osgood has served since 1785 as one of three commissioners of the Treasury Department. He settled in New York four years ago and recently married Maria Franklin.

He originally opposed the Constitution, and is still known to be fearful of "aristocratical influence." But he agrees with Washington that an efficient postal service would do much to encourage necessary commerce between remote and hostile sections of the country. A government monopoly since 1782, the service is unreliable, expensive, constantly badgered by theft and illicit private competition. It is supposed to pay for itself, but Osgood, with Washington's support, has proposed improvements that, he says, "are necessary whether revenues be an object or not."



WASHINGTON RIDES TO FEDERAL HALL IN HIS GILDED CREAM COACH
Complains the President: "The eyes of Argus are upon me."

state dining room and are presented to the President. Washington bows formally to each one, even if it is an old friend whose hand he would normally shake warmly. (In this, as in much else these days, the President is trying to discourage any charge of favoritism.)

At presidential dinners the viands are rich. One gathering attended by Senator Maclay of Pennsylvania included soup, fish roasted and broiled, gammon and fowls, followed by apple pie, pudding, ice cream, jellies, watermelons, peaches and nuts.* But the supply of *joie de vivre* often runs short. Beyond perfunctory toasts the President says little. He nurses a pint of beer in a silver cup, sometimes drums on the table with his fork, apparently out of boredom, and retires to bed shortly after 9.

In his dealings with the Congress, too, the President has been self-conscious. He takes the strictest possible view of the Constitution's sharp separation of the executive and legislative branches of government. In his inaugural speech he did suggest that Congress consider a bill of rights, but he has since refrained from publicly stating his opinion on any legislative matters that are purely the business of the Congress. He has never so far used his veto, believing it should be employed mainly if Congress passes a bill that appears contrary to the Constitution.

Despite Washington's restraint, his relations with the legislators have not always been easy. When the President needed fast approval of a treaty to be negotiated with the Creek Indians, for example, he appeared before the Senate in person. As Washington's written analysis of the Creek situation was read aloud by Vice President Adams, the noise of passing carriages on the cobblestones of Wall Street made the sense of it hard to follow. Because the question was complex, the Senators voted to keep the documents to read for themselves. Exclaimed the President: "This defeats every purpose of my coming here!" And when he left the Senate after the matter had been settled, he remarked, "I'm damned if I go there again." Since then, the President's dealings with the Senators have been almost entirely by letter.

Washington has gone to great lengths to make good on his resolve of getting only the best men to join the government. Here, too, he tries hard to avoid all taint of favoritism. Ben Franklin's grandson William Temple Franklin was refused a job in the diplomatic corps. The President's nephew Bushrod Washington applied to be a district attorney and was turned away. "My political conduct in nominations, even if I were uninfluenced by principle, must be exceedingly circumspect and proof against just criticism," Washington wrote him.

The searching and sifting, which has taken a large share of Washington's time all this past summer, is "most delicate" and "unpleasing," he says. It often involves personal friends, and hurting the pride of some of the foremost men in the country. In addition, the President is deluged with requests for help from poor and crippled former soldiers. To all candidates the President carefully explains his general standards. He also tries for geographic balance. And to encourage continuity in government, he has announced that men left from the departments established by the Confederation Congress will be kept on whenever possible. One example: Secretary Knox. By contrast, Ebenezer Hazard, former head of the postal service, lost his job largely because, in trying to save money, he cut back on funds for mailing newspapers throughout the country. Washington, who believes that the exchange of reading material, along with trade, is one of the main ways of bringing the various states together, shelved Hazard in favor of Samuel Osgood. (Hazard apparently accepted his fate philosophically. Said he: "I am too good a Christian to be a politician.")

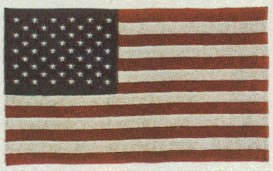
To a critical eye, Washington's more important appointees might at first glance be regarded as examples of the very things the President professes to abhor: favoritism, regional partisanship, indulgence in personal whim. Hamilton, Randolph and Knox, for instance, *are* all wartime comrades and personal friends. All three have been almost like sons to the childless Chief Executive. Randolph and Thomas Jefferson are landholding Virginians, like Washington, while Osgood is the President's current landlord, for the Cherry Street house is rented from him for 845 dollars a year.* Yet the President's men are so outstanding that they have been accepted with broad approval.

Washington has a countryman's faith in care and growth and slow evolution where politics is concerned. "We are placed among the nations of the earth, and have a character to establish," he has written to Lafayette, "but how we shall acquit ourselves, time must discover." For his part, the President is quite pleased with the progress so far made. Most of the men around him are indeed united in favor of the idea of strong government and the new Constitution. Yet in choosing Hamilton and Jefferson the President has chosen men who, in both their persons and loyalties, represent deeply opposed interests.

Jefferson is a patrician. As a native Virginian he believes in land, distrusts the results of urban commerce, and hopes that the power of the government can be kept to a reasonable minimum. (He once wrote a letter to Madison arguing that no man has the right to obligate his children to pay his debts, because the earth belongs to the living and the dead have neither powers nor rights over it.) Jefferson also has a most hopeful view of human nature. Just lately reporting from Paris and describing the forces unleashed by the French revolution, he wrote: "The mass possesses such a degree of good sense as enables them to decide well" (*see* THE WORLD). Hamilton is already famous in some quarters, infamous in others, for saying "Take mankind in general, they are vicious." For the new Secretary of the

*Wine also flows freely. One order last month: 26 dozen bottles of claret and as many of champagne.

*It was chosen by the Congress, however, then remodeled and refurbished for 8,000 dollars at government expense.



America's Bicentennial has been brought to you in part by—

The Armed Forces

We are celebrating America's 200th year of independence.

Among those who have helped to defend and preserve that independence are the millions who have done so in the uniform of their country.

That tradition of service continues. In this our Bicentennial year, more than half a million young men and women will volunteer for duty in America's Armed Forces.

Most will enlist right out of high school. Many others will enroll in officer training programs while attending college or one of our service academies.

To the benefit of all of us, they will be among the best qualified, best educated young people ever to serve.

of the United States.

And they will have to be. The entrance requirements for today's Armed Forces are more and more demanding.

For some, the military will become a career. For others, it will be the more traditional contribution of three or four years. While still others will serve part time in the National Guard or Reserves.

There are solid benefits and opportunities offered to young people joining the services today, and some of them are listed on the following page.

But the main benefit in serving one's country has nothing on earth to do with salary, room and board. It's the same reward that it was 200 years ago.

It's being there. Which is part of the reason we're still here.

It's a great year to volunteer.

You may have heard that it's getting harder for a young man or woman to be accepted into the military. It's true. The Armed Forces today demand a high degree of motivation and dedication. You may also have heard that the benefits are good. For those who meet the standards, that's true, too. Some examples:

Job-training courses. Classified ads still say "experience necessary." And the Armed Forces are still a good place to get it. There are hundreds of jobs with civilian counterparts.

Educational opportunities. Whether it's finishing high school or earning college credits, serving in any one of the Armed Forces can help young people with their educational goals.

Salary and advancement. Starting pay is $361.20 a month, with a raise to $402.60 after the first promotion. It's a good salary, considering that meals, lodging, and medical and dental care are provided. Plus 30 days of paid vacation each year.

Guaranteed programs. Each of the Armed Forces has certain programs that can, for those who qualify, provide guarantees prior to enlistment. Some of these programs offer a specific job or type of training. And some offer a chance to travel by guaranteeing a choice of station or geographic area.

1976 is already a historic year. A talk with an Armed Forces recruiter in your community could make it even more so for you. Or someone you know.

Treasury, the most important attribute of the presidency should be "energy," to act, to change, to grow stronger in handling the affairs of the nation. Hamilton is a city man, an immigrant, a northerner. For years one of his main concerns has been the organization of government financial credit. Security speculators are gambling heavily that he will set up a program to fund the war debts of the Continental Congress and perhaps even those of the individual states as well.

Congressman Madison's prescription for the government is that "ambition must be made to counteract ambition." In the same spirit, the President may hope to reconcile opposing views by bringing them close to the heart of the government. Washington's practical interest in the new government grew originally from his passionate promise, made years ago to his troops, that their country would somehow, one day, be able to stand up honorably before the world and recompense them for their years of service. The President's commitment to that is total. The soldiers have been paid, but mainly in the notorious Final Settlement Certificates, most of which have long since been sold by the original owners for a fraction of their value to speculators now holding them in expectation that the new government will fund them. The market value of these securities in New York has increased 50 percent so far this year.

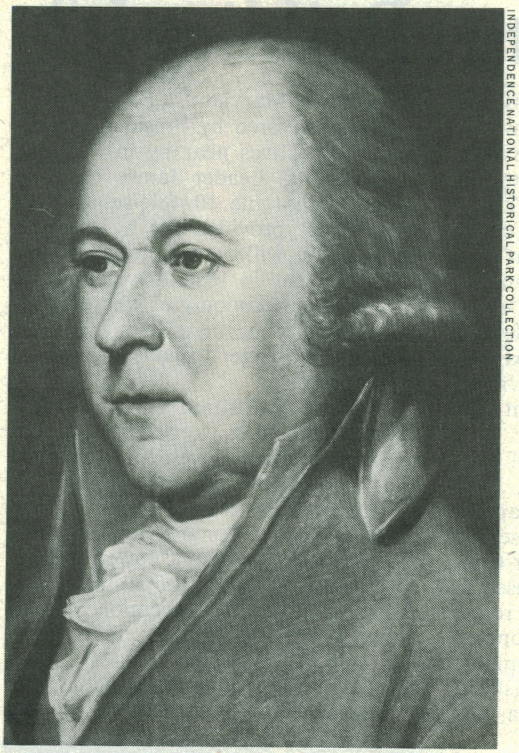
"I see a path as clear and direct as a ray of light," Washington wrote to Lafayette, "to extricate my country from the embarrassments in which it is entangled." That clear path is strong government. The President is tired, and he longs to return to Virginia. But it will be months before he sees the gray cypress roofs of Mount Vernon again. Now that his health is restored, he is about to embark on a national tour "in the interest of the Union." The first part, beginning next month, will take him through New England, where he intends to make the government more popular with the people. He has lately grown interested in American manufacture and the need to encourage and protect it. Friends say that is why at his Inauguration the President wore a suit made of brown broadcloth woven in Hartford, Connecticut, though most fashionable folk still have their clothes made from imported British goods.

Despite all of Washington's efforts, there is some question whether the native American cloth of government, so newly woven in New York, will stand the strain. But those who fear for it like to recall a celebrated anecdote about Benjamin Franklin and his landlady. In Philadelphia, at the close of the Constitutional Convention, the lady asked: "Well, Mr. Franklin, what have you given us, a republic or a monarchy?" Replied Franklin: "A Republic, Madam, if you can keep it."

THE VICE PRESIDENCY

A Case of 'the Fidgets'

Perhaps the most discomfited man in the United States is Vice President John Adams. The portly envoy who for ten years has impressed kings and foreign ministers with his plain talk and studiedly plain air now sits in grandeur under the crimson canopy of the Senate chamber—and fumes. True, he is president of the Senate. He presides, but he is not entitled to vote, except in case of a tie. He rules on points of order from the chair but is not authorized to join in the debates (though he does often break in). As he puts it, "My country in its wisdom has contrived for me the most insignificant office that ever the invention of man contrived or his imagination conceived . . . It is, to be sure, a punishment to hear other men talk five hours every day and not be at liberty to talk at all myself, especially as more than half I hear appears to me very young, inconsiderate and inexperienced."



INDEPENDENCE NATIONAL HISTORICAL PARK COLLECTION

JOHN ADAMS PORTRAIT BY C.W. PEALE
"I feel great difficulty how to act."

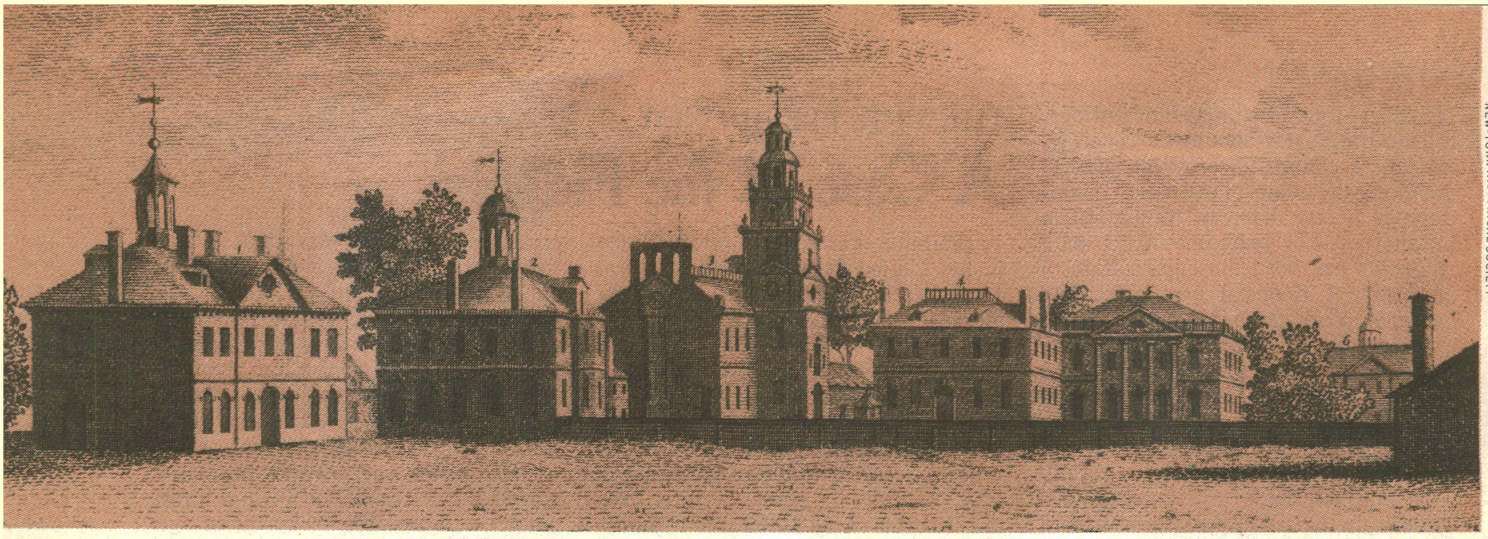
Bostonian Adams well knows that the vice presidency was a kind of afterthought of the Constitution's makers. They feared that the 13 states' electors might vote for 13 local heroes for President, so they decreed that each elector must vote for two candidates from two different states. Nobody ever doubted the first winner would be Washington, but that left the Vice President a mere straw man, representing little, and with nothing much to do.

Adams has always had what he calls "the fidgets," and he now is suffering increasingly from a palsy that gives a tremor to his writing hand. He is inclined to feel old, although not yet 54, and out of action. Restless and depressed, he wrote his wife Abigail to leave their farm and join him as quickly as she could. She duly sold off some cattle, turned the management of the farm over to his brother, and is now trying to operate a respectably hospitable household, Richmond Hill. It is a task made the more difficult by the meager salary Congress has voted Adams—5,000 dollars a year, compared with the 25,000 dollars voted for the President.

Installed as president of the Senate a week before Washington was sworn in, Adams began worrying about protocol. As he had learned in Europe, protocol often does reflect the realities of power—and he himself wore a ceremonial sword—but his anxiety was excessive. Said he: "Gentlemen, I feel great difficulty how to act. I am Vice President. In this I am nothing, but I may be everything. But I am also president of the Senate. When the President comes into the Senate, what shall I be? I can not be president then. No, gentlemen, I can not, I can not. I wish [the] gentlemen to think what I shall be."

He also worried about the proper form of address for Washington. He observed that to call him simply "Mr. President" would put him "on a level with the Governor of Bermuda." A Senate committee took thought and proposed "His Highness, the President of the United States of America and Protector of their Liberties." This was too much even for many Senators to accept, but Adams insisted on the need for some such title. Said he: "The President must be something that includes all the dignities of the diplomatic corps, and something greater still. Religion and government have both been used as pageantry. Signs do not necessarily imply abuse." The only result: some Senators mocked Adams as "His Rotundity."

Adams' position in the Senate is not entirely without influence, for sometimes the votes end in a tie, as in last July's debate on the President's right to dismiss his own appointees. Then Adams has a chance to make his intensely personal views count—usually, as in that case, in favor of strong government. At other times, he can only accept the advice he recently gave to some fellow Yankees during the tariff debate. Said he: "They must grin (as is commonly said) and bear it."



NEW-YORK HISTORICAL SOCIETY

PENNSYLVANIA STATEHOUSE, WHERE CONGRESS DECLARED INDEPENDENCE IN 1776, DOMINATES VISTA OF PHILADELPHIA

THE CAPITAL

Where to Start Building It?

In the 15 years that Congress has been wandering from town to town in search of a home, many legislators have begun to grow weary of the odyssey. So when they gathered in New York last spring, there was hope that they could finally resolve the question that has aroused, in the words of Massachusetts Representative Fisher Ames, "every principle of local interest, of pride and honor." But as the delegates prepare to leave for home this week, the United States is still without a permanent seat of government.

The problem is not a lack of candidates. Philadelphia, Baltimore, Lancaster, York, Princeton, Annapolis, Trenton and New York have all served at one time as meeting places for Congress. Benjamin Franklin even used to argue that the states should rotate the capital forever. Other proposed locations now include Wilmington, Delaware; Wright's Ferry, Harrisburg, and Peach Bottom, Pennsylvania; and Georgetown, Maryland, a Potomac River hamlet favored by President Washington, who lives near by in Virginia. Congressional Leader James Madison estimates that the 10-mile-square federal district provided for by the new Constitution will pour at least 500,000 dollars a year in federal expenditures into the local economy of whatever region the city occupies. So the delegates are too eager to have the capital to compromise.

Or else too afraid of it. Antifederalists have long worried that a federal district might develop into an alien and oppressive presence. Virginia's ex-Governor Patrick Henry has warned that it could give Congress and the President "a right to keep a powerful army continually on foot, if they think it necessary to aid in the execution of their laws." Warned Virginia's elder statesman George Mason: "This 10 miles square may become the sanctuary of the blackest crimes. If an attempt should be made to establish tyranny over the people, here are 10 miles square where the greatest offender may meet protection."

Most members of Congress would probably agree that the Antifederalists are too weak to block the establishment of a permanent capital, but there the consensus ends. New York, where Congress has been meeting since 1785, sometimes seems the inevitable victor, though many delegates resent what one Yankee calls "the unreasonable expense of living there." Other towns have been judged to be either too close to the sea to be accessible from the western territories or too far inland from the centers of wealth and population. When Virginia and Maryland both offered land, northern delegates swiftly rejected any site on the Potomac as too southerly and too disagreeably tropical. "The climate of the Potomac is not only unhealthy, but destructive to northern constitutions," said Theodore Sedgwick of Massachusetts. "Vast numbers of eastern adventurers have gone to the southern states, and all have found their graves there."

After days of wrangling, the House last week passed a compromise bill specifying that the federal district be situated somewhere on the banks of the Susquehanna, which branches through eastern and central Pennsylvania and empties into the Chesapeake Bay, bisecting the nation into areas of roughly equal population. But the Senate two days later amended the bill to place the capital in Germantown, outside Philadelphia, the Republic's largest and probably wealthiest city. That selection was helped by an offer from the Pennsylvania delegation to contribute 100,000 dollars to the United States government in return. The bill went back to the House, where at week's end the delegates seemed about to postpone the matter. Sentiment in both houses appears to be moving, however, toward the establishment of a capital somewhere in Pennsylvania, either near Philadelphia or somewhere on the Susquehanna, like Harrisburg or perhaps Peach Bottom.

PHELPS-STOKES COLLECTION, PRINTS DIVISION, NEW YORK PUBLIC LIBRARY

VIEW OF POTOMAC VALLEY FARM LANDS FROM VILLAGE OF GEORGETOWN
President Washington favors site near his Mount Vernon estate.

SOCIAL NOTES
Quaffing and Singing

▸ To the United States and the new era!

▸ May honor, virtue and patriotism be the distinguishing characteristics of the sons of St. Tammany.

▸ May the industry of the beaver, the frugality of the ant, and the constancy of the dove perpetually distinguish the sons of St. Tammany.

With lusty toasts such as these (there were 13 in all, each accompanied by 13 blasts from a nearby gun battery), the members of the St. Tammany Society gathered on the banks of Hudson's River last spring and made it clear that their future in New York will be a noisy one. What else that future may be is considerably less clear.

The original St. Tammany—uncanonized by any church and now heavily shrouded in legend—was a sachem of the Lenni-Lenape (Delaware) Indians. He is said to have been the first chief to welcome William Penn to America in 1682, and to have granted the Schuylkill Fishing Company the perpetual right to cast their lines in that river. So every May 1, when the Quaker fishermen opened their season, they would toast the health of their benefactor. Gradually, Tammany became a kind of patron saint of Pennsylvania, and new fraternal societies named after the Indian sprang up in New Jersey and Virginia.

Each had its own ceremonies, with wigwams, peace pipes and the like. Having no particular purpose, however, these societies duly died away—only to be revived in New York three years ago through the organizing energy of the first Grand Sachem, William Mooney, 33, an upholsterer and dealer in wallpaper.

Mooney's background is a little mysterious. Born of humble parents, he enlisted as a soldier in the Revolution, though some say that he later deserted and served with the British. Despite (or because of) these unproved rumors, Mooney now makes patriotism one of the Tammany Society's most vaunted purposes. Its main purpose still seems to be revelry. (Sample Tammany song: "... a full flowing bowl/ I'll quaff, and sing all the long day,/ And with punch and wine paint my cheeks for my saint ...") But Mooney is thought to have political ambitions for his society. Earlier this month, the group established a new system of regular meetings, speeches to the members, and special initiation rituals.

Mooney's views are somewhat disorganized. He is known to oppose both Irish Catholics (Tammany officers must be "American-born") and New York's landed families. As one of his associates put it: "I [cannot] explain the principles of this Society further than that it is a political institution founded on a strong republican basis, whose democratic principles will serve in some measure to correct the aristocracy of our city." Just how the roisterers of Tammany plan to "correct" New York's established leaders remains to be seen.

ROBERT P. VAN NUTT

NEW YORK'S SONS OF ST. TAMMANY FROLIC AND FIRE SALUTES AT GATHERING
Do they honor the industry of the beaver, the frugality of the ant?

THE WEST
Turbulent Spirits

To the wary heirs of the Spanish conquistadors, the increasing flow of American settlers toward the southwest seems an increasing threat—a threat to Spain's control of the Mississippi Valley *(see map next page)* and ultimately to its rich Mexican mines. As the Count of Aranda, Spain's Ambassador to France, once said: "A day will come when [the United States] will be a giant, even a colossus. We shall watch with grief the tyrannical existence of this same colossus."

To block that supposed threat is the mission of Estaban Miró, 45, the pudgy Spanish Governor at New Orleans. In the disputed area north of Florida, he has armed the Creek Indians and encouraged their raids against frontier villagers *(see following story)*. Along the Mississippi itself, which Spain kept tightly closed until last spring, he has exacted as much as 25 percent in tariffs on all non-Spanish traffic. This month he went still further. To any American who would swear allegiance to King Charles IV of Spain, Miró offered 240 acres of land, a tacit tolerance of Protestantism, and an exemption from the river tax.

The man who has done most to help Miró in this effort to divide and dominate the American settlers is not a Spaniard at all. He is James Wilkinson, a onetime American brigadier general who in the past five years has made a big name and a fortune for himself in the troubled Kentucky territory. Wilkinson, 32, is a suety-faced Marylander with bottomless pockets and a considerable capacity for drink and rabble-rousing. His war record was little short of scandalous,* but he left it behind when he moved west.

Two years ago, he journeyed down the river with a small fleet of flatboats filled with tobacco, flour and bacon, and wormed his way into Miró's counsels. He stayed three months and sold his goods at a high price. In return, it is rumored, Wilkinson secretly swore allegiance to the King of Spain and was put on a salary of 6,000 dollars per year as the sole American trading agent for the river. In any case, he has done his best since then to encourage his fellow Kentuckians to secede from the United States and form a separate state under Spanish protection. Wilkinson has even started a potential capital for such an inland empire, the city of Frankfort. He has laid out a set of streets there to encourage customers for his real estate speculations.

The idea of independence has con-

*He served as aide to Benedict Arnold and General Gates, was tainted in the plot to displace Washington as commander, then resigned as the Continental Army's clothier general when grave irregularities were found in his accounts.

siderable appeal in Kentucky and its adjacent territories. Most of the land now belongs to Virginia and North Carolina. But once over the mountains, the settlers have found themselves largely on their own, with few easy trade outlets to the east and no protection at all. Being independent in spirit, they have often taken matters into their own hands and, in the past 15 years, no fewer than four separate groups have set themselves up as independent governments, because of what one of them called "necessity and self-preservation."

Among them: Westsylvania, at the forks of the Ohio; Transylvania, around Boonesborough in the Kentucky territory; Watauga, the oldest, near the Holston River; and finally the sovereign commonwealth of Frankland, south of the Cumberland. Starting in 1785, Frankland managed to run itself very well. It levied its own taxes, appointed its officials, organized riflemen to fight off the Cherokees, made treaties, and even applied to Congress for admission as the 14th state. Only last year North Carolina finally suppressed Frankland by force, while the Franklanders complained that neither the eastern states nor Congress could "protect their property or favor their commerce."

The Kentucky district has for some years wanted to become an independent state within the Union. But after eight local conventions on this subject, back-and-forth negotiations with both Virginia and the new national government remain stalled. There is considerable ill will involved, partly because over-the-mountain trade is unwieldy, while the way down the Mississippi lies clear—except for Spain. Kentuckians were deeply angered, therefore, when they learned that, in a proposed treaty with Spain, Secretary for Foreign Affairs John Jay tentatively offered to "forbear" insisting on free trade down the Mississippi for 25 years in return for fishing concessions useful to New England merchants (*see* THE LAW).

Though the treaty was shelved because of southern resistance, Wilkinson thoroughly whipped up his neighbors' resentment. Last week, too, he was in New Orleans with Miró again. It is known that he wants Spain to improve its offer to American settlers, with better terms on river trade and an increase in land grants to as much as 3,000 acres per person.

The Kentucky district is growing so fast that Wilkinson may prosper whether his foray into subversion succeeds or fails. Local experts believe that Kentucky will soon come to terms with the new government and be admitted into the Union as a separate state. President Washington himself, in fact, is far less worried about its secession than about the "ambitious and turbulent spirits" of the Kentuckians, who just might load up their flatboats with long rifles and cannon, float down on Miró's largely unprotected city, and take it—lock, stock, tax rights and all.

New Wars with The Indians?

The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent, and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars . . .
—Northwest Ordinance of 1787

At Chinoweth's Station, Kentucky, a band of Indians burst in on a farm family eating supper. They killed three settlers and wounded seven others (three of them have since died). The Indians plundered the house of everything they could carry away.

At another outpost near the Ohio River, Indians captured six Negroes and tomahawked four of them. Two died.

In the village of Lincoln, Indians killed one man and one child, wounded two women, stole 25 horses. And at Mason Settlement, two men were killed, 41 horses stolen.

All summer long, these Indian raids have terrorized the new settlements along the border of the Northwest Territory. Earlier this month, General Arthur St. Clair, Governor of the territory, wrote to President Washington: "It is not expected, sir, that the Kentucky people will, or can, submit patiently to the cruelties and depredations of these savages." White settlers indeed have already launched retaliatory raids—sometimes indiscriminately attacking friendly tribes—but St. Clair's proposal is more drastic. He has asked for troops, and Washington is reported to be planning to give him authority to call up 1,500 men of the Pennsylvania and Virginia militias.

At issue is a vast and long-disputed territory of more than 250,000 square miles, extending from the Ohio River north to the Great Lakes (*see map*). Even before the United States acquired this territory from Great Britain in the peace treaty of 1783, various states claimed broad slices of it, and speculators had begun buying deeds to large areas from the Indians. Not until four years ago, when the states finally ceded their claims to the national government, was Congress able to assert its authority by passing the Land Ordinance of 1785.

The British, however, continue to flout the authority of the United States by holding on to their prewar forts and fur-trading posts near Detroit and along the Great Lakes, and they are protecting their holdings partly by encouraging Indians to attack settlers coming into the area. The Indians, who number about 75,000 in some 20 nations, apparently feel that the Northwest Territory still belongs to them, and that Britain had no right to surrender it.

But ever since the war for indepen-

dence, a westward land rush has been raging. As of the beginning of this year, more than 100,000 settlers had moved across the mountains and down the rivers toward the west, most of them heading for inexpensive land in Tennessee and Kentucky country. At the height of last year's rush, by one count, 10,000 emigrants floated past Fort Harmar on the Ohio River. A more specific census, taken by an officer at the fort, had "181 boats, 406 souls, 1,588 horses, 314 horned cattle, 223 sheep and 92 wagons" moving downstream in a month.

The most successful of the new development companies, the Ohio Company, owns more than 1 million acres along the Ohio River and offers free "Donation Lands" to "warlike Christian men" willing to settle in the untamed interior of the tract. It also offers attractive bargains to emigrants who prefer to live in the capital at Marietta.

To keep the Indians away from such settlements, Governor St. Clair concluded separate treaties last January with the Iroquois Confederation and six of the western tribes. Said he: "I fervently pray to the great God that the peace we have established may be perpetual." But those treaties, which set the southern borders of Indian territory at the headwaters of the Muskingum, Scioto and Miami rivers, seem no more likely to bring peace than any of the others signed in the past. Indeed, the United States has signed no fewer than four treaties with the Northern Indians in the past five years—each of them reiterating the provisions of its predecessor, while reducing the Indians' holdings. St. Clair and others have taken too little care to see that they were treating with the key Indian leaders. So as soon as the treaties were signed, those Indians who did not take part in the talks denounced the agreements as fraudulent—while settlers were already swarming across the old boundaries.

■ ■ ■

In the disputed territories south of the Ohio, the Creek Indians seem determined to prevent Georgia settlers from crossing into Indian territory. Fighting has been sporadic, but in the three years since the Creek Nation declared war on Georgia, white casualties have risen to 72 killed, 29 wounded. Last week the President's three newly named commissioners for Indian affairs reached the Creek leaders' camp on the Oconee River and offered them a peace treaty.

The treaty proclaimed that the Creeks would abandon the disputed territory between the Ogeechee and Oconee rivers, that the settlers would stay out of all remaining Creek lands, that the Creeks would acknowledge being "under the protection of the Supreme Authority of the United States," and that "all animosities for past grievances shall henceforth cease." One of the commissioners, David Humphreys, wrote back to Washington that Creek Leader Alexander McGillivray seemed "desirous of peace" and eager to "brush our faces with the white wing of reconciliation."

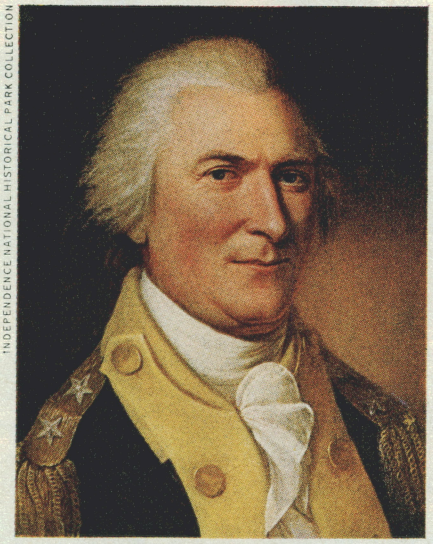
He mistook his man. To his own friends, McGillivray poured scorn on "that puppy Humphreys" and vowed that he "would not have such a treaty cram'd down my throat."

McGillivray, 30, is a foxy antagonist. Tall, gaunt, ailing (stomach trouble, possibly venereal disease), he is not even a chief but has won his leadership by diplomacy and intrigue. Son of a Scottish trader and a Creek noblewoman, he was first reared among his mother's people, then taken to Charleston and Savannah for three years and taught Latin, history, numbers. When the war came, his Loyalist father returned to Scotland, and the youth returned to the Indians.

Reputedly a coward in battle (according to one tale, he once dressed up in breechcloth and war paint to witness a raid against Georgian settlers, but hid in the bushes throughout the fight), McGillivray nonetheless preached defiance against new settlements. That won him widespread support among the neighboring Cherokees and Choctaws. He also negotiated shrewdly for the support of the Spanish authorities in New Orleans. To them he said: "These Americans are a set of crafty, cunning republicans, who will endeavor to avail themselves of every circumstance in which I cannot speak or act with decision."

After waiting 18 days by the Oconee River for Washington's three commissioners to arrive, McGillivray did not reject the new treaty outright. Instead, he said that his fellow Indians were "not entirely satisfied" and proposed to return home for a while. He even suggested that the commissioners give them some presents. The commissioners said they had not been authorized to give presents until the treaty was signed. At week's end McGillivray sent a message saying that he was feeling "very unwell" and that the other Indians had all gone hunting, so "nothing farther can now be done." His message is ominous. Land-hungry settlers are continuing to press westward and displace Indians from their hunting grounds. For both sides, next year may be too late for agreement.

GOVERNOR ARTHUR ST. CLAIR



INDEPENDENCE NATIONAL HISTORICAL PARK COLLECTION

ISADORE SELTZER

IROQUOIS INDIANS ATTACKING A PIONEER SETTLEMENT ALONG THE OHIO RIVER
Now come retaliations against "the cruelty of these savages."

Photographed for the Buick Motor Car Company, Flint, Michigan, U.S.A. Division of General Motors Corporation.

The day everything changed.

THE HORSE was more than sleek flanks, flaring nostrils and sinewy beauty. It represented a way of life. It was the status quo.

Ah, but the car. It was simply a machine trying to shoulder its way into a lifestyle that was still not completely at ease with machines.

There had to be a confrontation.

The machine had to be put in its place.

And so in some unremembered pasture, on some unremembered day, the people lined up to watch some unremembered horse defend their way of life.

What they saw was history.

It didn't matter that the car had won.
The mere fact that it was there was a victory.
The automobile had arrived. And the technology and tempo of an entire country—indeed, the entire world—had changed forever.

FRANCE

A Season of Chaos

"Men are born free and remain free and equal in their rights." With that ringing statement—clearly and strongly influenced by events in America—the French National Assembly late last month gave final approval to what it grandly called the Declaration of the Rights of Man. Theoretically, at least, the Assembly's action abolished centuries of feudal oppression and brought to heel the proudest monarchy in all of Europe. Only six months ago, King Louis XVI, who traces his royalty back to the 10th century and Hugh Capet, exercised nearly absolute power over his 25 million subjects. Now, after a season of mounting chaos that culminated on July 14 in the fall of the Bastille, the Bourbon monarch seems virtually helpless.

The abolition of the feudal system and the decline of the monarchy came with astonishing swiftness, and even the Assembly seemed surprised by its own daring. If the Declaration of Rights is fulfilled, it promises to alter fundamentally all aspects of French society. But the repeated outbreaks of violence had made drastic change all but inevitable.

In a session that began the evening of August 4 and lasted through the night, some of the richest and most powerful lords of the realm rose in Versailles's Salle des Menus Plaisirs and vied with one another in their renunciation of centuries-old privileges (*e.g.*, the right to make peasants build roads for their lord). Not content to yield only their own rights, the noblemen then volunteered to have the church give up privileges as well, notably the oppressive tithe on peasants' crops, which can be as high as 25 percent. The church, not to be outdone, then offered up even more privileges of the nobility, including exclusive rights to hunt and fish in the kingdom's forests. The Assembly's merchants and commoners, the third of France's three estates, had little of their own to give away, but enthusiastically supported the wave of reform.

Under the Declaration, commoners are formally freed from many of the bonds that have kept them from becoming full citizens. By contrast, the nobility and the clergy have taken on some new obligations, including that of paying taxes. The aristocracy also gives up its stranglehold on government, church and army. Higher posts in all three are now supposedly open on merit to every citizen of France. "The law must be equal for all," says the document. "Every citizen, being equal before the law, is equally eligible, according to his capacity, for all dignities, offices or posts in the public administration, without distinction, save that due either to character or talent."

In many respects the French Declaration sounds remarkably American, not only in idea but in tone, like a combination of the Declaration of Independence and the newly drafted Bill of Rights. In fact, the Marquis de Lafayette, a hero of Yorktown and now a leader of the Assembly's reformers, was one of the French Declaration's authors and most important supporters. Lafayette even went over the wording of his own draft with the author of the American Declaration, United States Minister to France Thomas Jefferson. Among the other provisions of the Declaration:

▸ Man has "natural and imprescriptible rights. These rights are liberty, property, personal security and resistance to oppression."

▸ "No one may be accused, imprisoned or held under arrest except in such cases and in such a way as is prescribed by law."

▸ "Every man is presumed innocent until he is proved guilty."

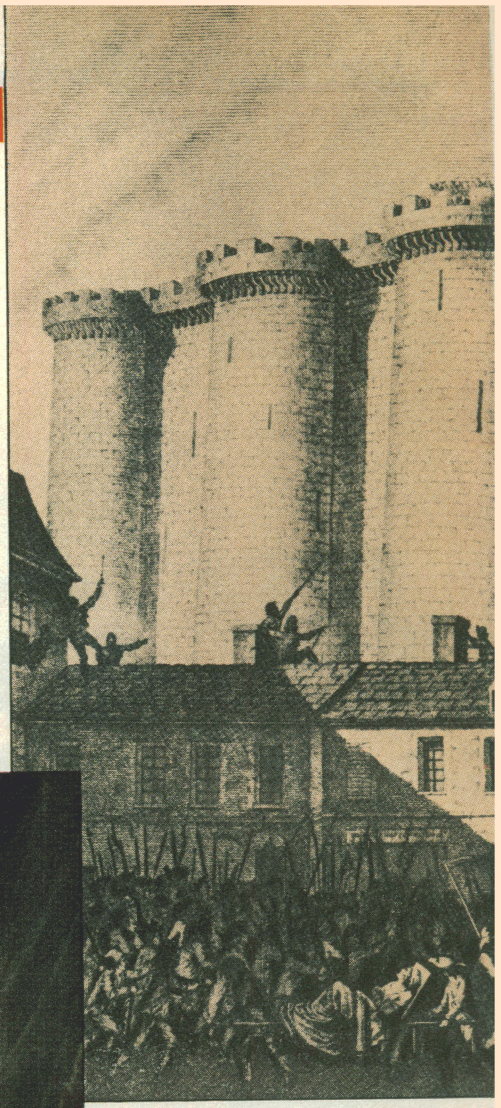
▸ "Free expression of thought and opinion is one of the most precious rights of mankind: every citizen may therefore speak, write and publish freely . . ."

▸ "Since the ownership of property is a sacred and inviolable right, no person may be deprived of his property except with legal sanction and in the public interest, after a just indemnity has been paid."

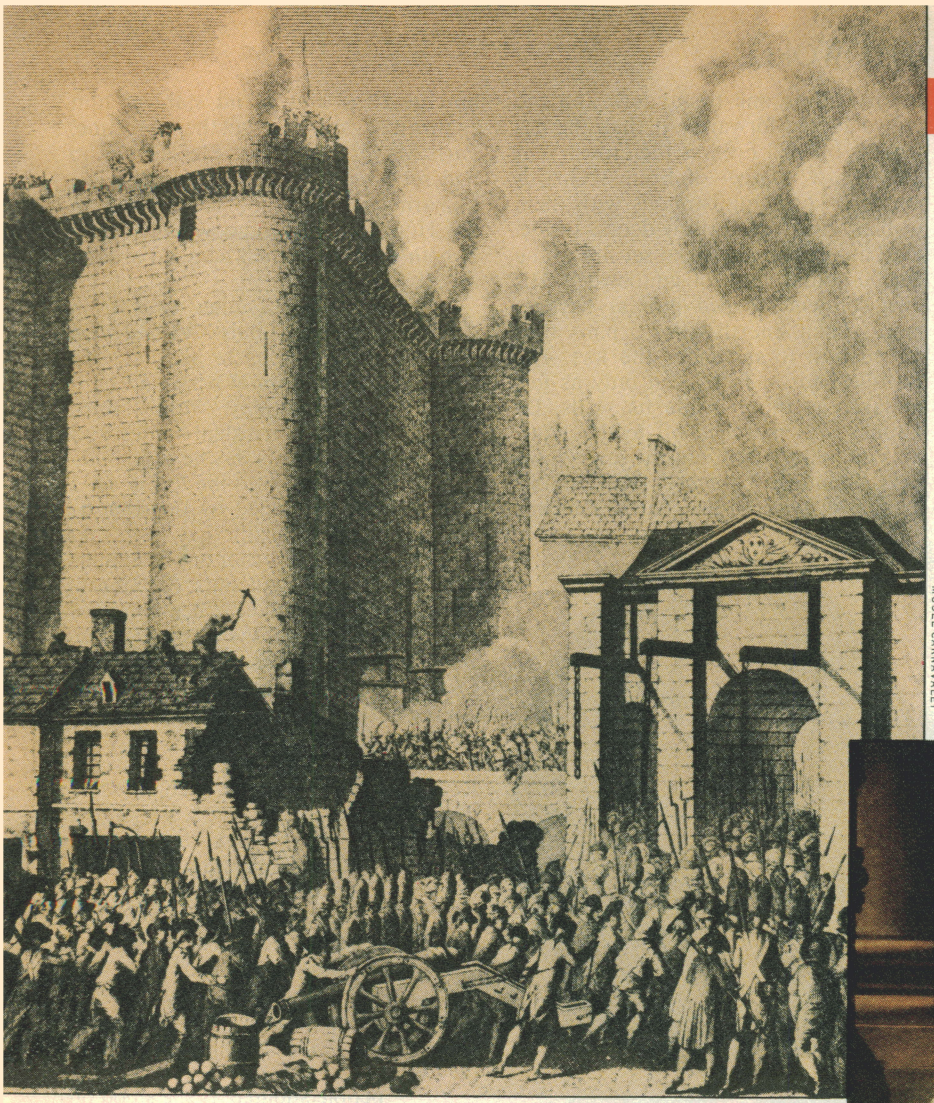
Many, to be sure, had grave reservations about the new freedoms. Some thought that they would lead to unrealistic expectations and thus to ever-greater anger among France's volatile masses. "Why take a man up to a high mountain to show him his unlimited possessions," asked Baron Pierre Victor Malouet, "if he then has to descend and find barriers at every step?" He added: "Let us beware of breaking down a dike

MUSEE DE VERSAILLES

KING LOUIS XVI AT HEIGHT OF HIS ROYAL POWER
He did not foresee the rage of the poor.



CROWDS STORM THE BASTILLE,



MUSEE CARNAVALET

WHICH WAS THOUGHT IMPREGNABLE BUT SURRENDERED WITHIN ONE DAY

that has been preserved for centuries, without first ensuring our safety from the torrent which may well spread further than we foresee." Even the Comte de Mirabeau, 40, the pock-marked aristocrat who is the Assembly's acknowledged genius, counseled caution. He called the Declaration "a veil which it is imprudent to raise all at once."

A year ago such debates would never have gone beyond Paris drawing rooms, where the influence of the *philosophes* (notably Voltaire, Diderot, Montesquieu) is still felt. But the financial desperation of the monarchy—caused partly by the millions spent on the American war effort—helped turn philosophers' theories into reality. Though travelers have brought out fragmentary reports, only now have ships brought to America full details of the events leading up to the Declaration of Rights.

King Louis himself provoked the upheaval on July 11 by dismissing Finance Minister Jacques Necker, 56, the Swiss Protestant who had consistently urged him to compromise with the National Assembly and to spend less money—a counsel that irritated the spendthrift Queen Marie Antoinette. Said she: "We need troops! Troops!" Spurred on by the Queen ("the only man at court," as Mirabeau calls her), Louis accused Necker of intriguing against him and ordered him to leave the country. Protested Necker: "Your Majesty is losing the one man in the world most tenderly devoted to him."

With Swiss and German mercenaries newly positioned around Paris and Versailles to reinforce unreliable French units, the King apparently now felt that he could assert his authority over the Assembly, which had been challenging him ever since it convened last May. But Louis did not foresee the hysterical rage of Paris' poor (about 150,000 of the city's 600,000 people are without work). Last year's disastrous harvest has already sent the price of bread beyond the reach of many—4 cents a pound in Paris. Without Necker, many common people felt that they would be totally at the mercy of avaricious grain speculators, or of overlords like Financier Joseph François Foulon, who reportedly jeered about the poor, "Let them eat grass, like my horses."

"Citizens, you know that the nation demanded that Necker should remain, and he has been dismissed!" a poor lawyer named Camille Desmoulins shouted to an angry crowd that gathered in the gardens of the Palais Royal. "Can you be more insolently defied? The scoundrel police are here. Very well, let them watch me! Yes, here I am, calling my brothers to freedom! To arms! To arms!"

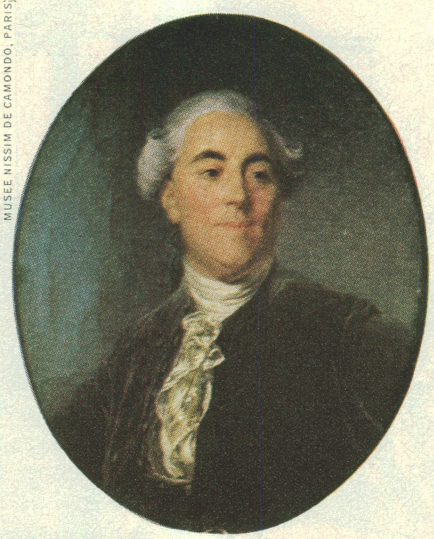
Desmoulins's listeners needed little persuasion. The crowds rushed from the Palais Royal into the streets, where, at the Place Louis XV, they finally collided with a regiment of King Louis's German mercenaries. A peddler was stabbed by the soldiers at the base of a statue of the late King. Rumors spread through the city that Germans were murdering peaceful Frenchmen. The King's French Guards, who had previously shown sympathy to the rebellious ferment, broke out of their barracks and skirmished with the Germans in the Tuileries gardens. That night mobs burned 40 of the 54 customs posts ringing Paris—goods had been taxed at the city's outskirts—and attacked two prisons, freeing those locked inside.

Alarmed by the spreading anarchy, the city's wealthier citizens organized a militia, taking as their insignia the colors of Paris, red and blue. Every household in Paris was ordered to keep a lamp burning in the window to deprive brigands of the darkness they need. The militiamen, patrolling with the French

MUSEE DE VERSAILLES

QUEEN MARIE ANTOINETTE IN ROYAL LUXURY
Said an official: "Let them eat grass."

MUSEE GRANET, AIX-EN-PROVENCE



MUSEE NISSIM DE CAMONDO, PARIS

MAJOR FIGURES IN CRISIS (CLOCKWISE): ASSEMBLY LEADER MIRABEAU FINANCE MINISTER NECKER MILITIA CHIEF LAFAYETTE

Guards, hanged several thieves. But as more and more Parisians roamed the streets, they began to seek arms. At 6 o'clock the next morning, July 14, some 60,000 citizens gathered in front of the Invalides, a home for disabled soldiers and a storehouse of arms. The commander resisted their demands for guns, but his troops refused to fire. The crowd swept in and seized 35,000 muskets in the cellars of the massive building, together with twelve cannons.

But they had no ammunition. Royal authorities had moved their gunpowder supplies to the Bastille, the somber 14th century fortress that had once held prisoners as varied as the Marquis de Sade and the nameless "Man in the Iron Mask." Now, however, only seven prisoners remained.* Though the Bastille was guarded by only 114 soldiers, 82 of them aged pensioners, it nonetheless seemed virtually impregnable. It had gray stone walls 10 feet thick and eight 100-foot-high towers.

Prison Governor Bernard de Launey tried to bar the crowd from the inner courtyard, but two men got into it and smashed the pulleys that held up the drawbridge. The bridge came crashing down (killing one bystander), and the crowd surged forward. At that, the defenders opened fire. As the crowd kept growing, a number of French Guards joined in, bringing cannons with them to blast open the prison doors. Inside, De Launey threatened to set fire to the 20,000-pound store of gunpowder. His own soldiers stopped him at bayonet point. Then, shortly after 5 p.m., they forced him to surrender the fort. The Bastille had, in fact, been only as formidable as those inside its walls. De Launey was marched off to the Hôtel de Ville (City Hall), but the angry mob kept shouting *"A mort!* [Kill him!]." They overpowered his guards, knocked him into the gutter and stabbed *him* again and again. At about the same time, Paris Mayor Jacques de Flesselles, who had repeatedly refused to give the militia arms, was also mobbed not far from the Hôtel de Ville. The severed heads of both men were then paraded around the city on pikes.

At Versailles, 12 miles away from the center of Paris, Louis XVI had gone to bed after confiding to his diary his one-word summation of what had happened to him that day: *"Rien* [Nothing]." Louis, 35, is an ardent hunter, and he regards as lost any day he is not able to take his musket into the forest. At 2 a.m. he was awakened by the Duc de Liancourt. "The Bastille has been taken by storm, the governor has been murdered!" reported Liancourt. "His head, on the point of a pike, is being carried in triumph through the streets!" "You are bringing me news of a revolt," said Louis. "No, Sire," replied Liancourt. "It is a revolution."

Slow and lethargic in so many ways, Louis reacted with uncommon haste. Realizing that he must accommodate himself to his people—at least for the moment—he met the next day with the National Assembly. He announced that Necker would be asked to return from exile in Switzerland, and that the newly arrived troops had been ordered to leave Paris and Versailles. The crowds at Versailles were enthusiastic and cheered even the unpopular Austrian-born Queen Marie Antoinette, 33. "Long live the Queen! Long live the Dauphin!" the people shouted as she stood on a balcony overlooking the Marble Court with her second son, 4-year-old Louis Charles. (The couple's first son, Louis Joseph, 7, died of consumption June 4.)

MUSEE CARNAVALET

Uncertain of his future, Louis toyed with the idea of retreating to the garrison town of Metz, from which he might launch a counterattack against those he regarded as rebels. "Yes, we can go to Metz, but what shall we do when we get there?" asked his chief commander, the Maréchal de Broglie, ironically noting the unreliability of the King's forces. Louis decided to continue a policy of conciliation. On July 17 he left Versailles to show himself before the people of Paris.

From his reception that day, it is apparent that the French still have considerable affection for their King. The militiamen watching were armed but not hostile as the King's hunting coach drove past. At the city's gate he was met by a friendly deputation of the city's leading citizens. The astronomer Jean Sylvain Bailly, who has taken the slain

*One of them had been imprisoned since 1759 for complicity in an attempt on the life of Louis XV. A second was a count who was suspected of murder and jailed at the request of his family. The others were four accused forgers and one mentally deranged Irishman.

Flesselles's place as mayor, gave Louis the keys to the city and presented him with the militia's colors. Louis, in a gesture of reconciliation, stuck the colors in his hat. (In another gesture of reconciliation several days later, the dashing young Lafayette, the new commander of the militia, added the traditional white of the Bourbons to the new cockade, forming a tricolor of red, white and blue. "I give you a cockade which will go around the world," Lafayette grandiloquently proclaimed.) Afterward, in the throne room of the Hôtel de Ville, the monarch listened to long speeches about liberty and made a short speech himself. "My people can always count on my love," he said.

In the weeks ahead, Louis will need more than love. Even the popular Lafayette himself has sometimes despaired of controlling the emotional Paris mobs, and Mirabeau has told friends, "The King and Queen will perish and you will witness it. The mob will trample their bodies underfoot." Even now, bands of hungry peasants still roam the countryside, burning châteaux and monasteries, destroying all records of their debts and obligations. Terrified, thousands of the rich and noble are fleeing the country, taking much of their wealth with them. The King knows that conciliation is necessary. The question he now must ask is: How much conciliation will be needed to end the crisis?

A Canvas to Work On

Most reports from Paris emphasize the violence of the mob, but American Minister Thomas Jefferson is closely observing the upheaval and insists that the stories of bloodshed are exaggerated. In letters to influential friends in America, England and Switzerland, he has also expressed considerable sympathy for the French people and their new representatives. Excerpts:

To Thomas Paine, July 11, 1789: "The National Assembly (for that is the name they take) having shewn thro' every stage of these transactions a coolness, wisdom, and resolution to set fire to the four corners of the kingdom and to perish with it themselves rather than to relinquish an iota from their plan of a total change of government, are now in complete and undisputed possession of the sovereignty. They have prostrated the old government, and are now beginning to build one from the foundation."

To Paine, July 13: "[Minister of Finance Jacques] Necker was dismissed from office the evening of the 11th and set out for [his home in] Geneva. This was not generally known in Paris till yesterday afternoon. The mobs immediately shut up all the playhouses. The foreign troops [German and Swiss mercenaries] were advanced into the city. Engagements took place between some of them and the people. [I heard] a considerable firing . . ."

To Richard Price, July 17: "The people attacked with stones a body of German cavalry and drove them off. On the 13th they forced the prison of St. Lazare, released the prisoners and got some arms. They then went to the Bastille and made the same demand. They forced the place, took and beheaded the Governor, and compleated arming themselves."

To John Jay, July 19: "The King went about 11 o'clock to the States General, and there read to them a speech, in which he asked their interposition to re-establish order. Tho' this be couched in terms of some caution, yet the manner in which it was delivered made it evident that it was meant as a surrender . . . About 60,000 citizens of all forms and colours, armed with the muskets of the Bastille as far as they would go, the rest with pistols, swords, pikes, pruning hooks, scythes &c. lined all the streets thro' which the [King's] procession passed, and saluted with cries of *vive la nation*. But not a single *vive le roy* was heard . . ."

To Jay, July 23: "The spirit of tumult seemed to have subsided, when yesterday it was excited again by a particular incident. Monsieur [Joseph François] Foulon, one of the obnoxious [officials], was taken in the country, and as is said by his own tenants, and brought to Paris. He was hung immediately, his head cut off, and his body drawn through the principal streets of the city."

To Jay, July 29: "It is impossible to know the exact state of the supplies of bread: we suppose them low and precarious, because some days we are allowed to buy but half or three fourths of the daily allowance . . . This is the only source from which I should fear a renewal of the late disorders."

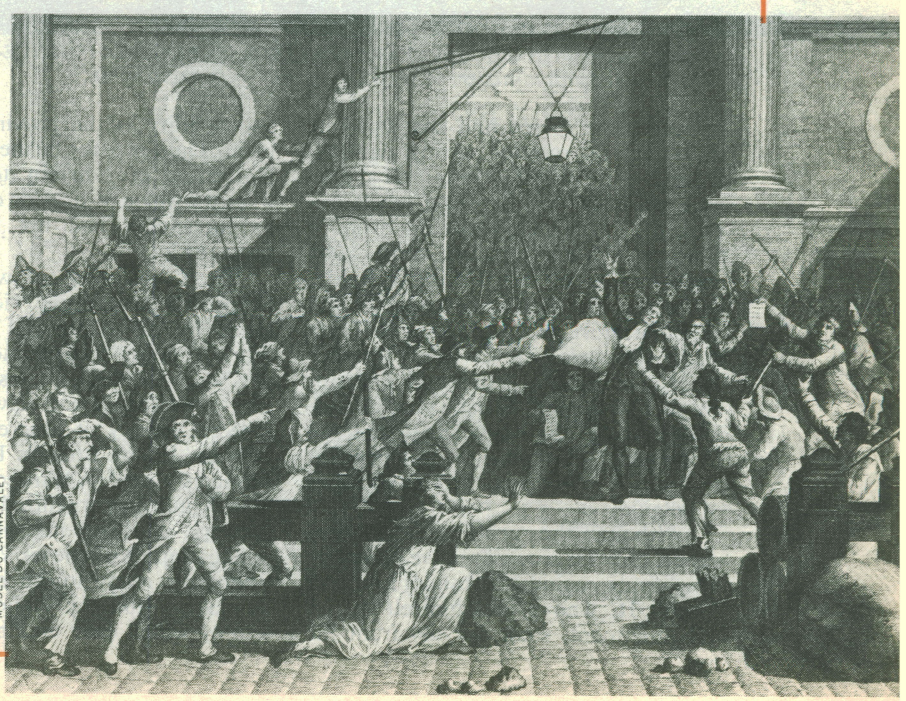
To Comte Jean Diodati, August 3: "It is impossible to conceive a greater fermentation than has worked in Paris, nor do I believe that so great a fermentation ever produced so little injury in any other place. I have been thro' it daily, have observed the mobs with my own eyes, and declare to you that I saw so plainly the legitimacy of them that I have slept in my house as quietly thro' the whole as I ever did in the most peaceable moments. The National Assembly have now as clean a canvas to work on here as we had in America . . . I will agree to be stoned as a false prophet if all does not end well in this country. Nor will it end with this country. Here is but the first chapter of the history of European liberty."

To John Trumbull, August 5: "Tranquillity is pretty well restored. It has never been what the Londoners believed in their hopes. Property was sacred thro' the whole. About a week before those tumults began, I suffered by common robbers, who broke open my house and rifled two apartments."

To Jay, August 27: "There is such a leaven in the body of the people that acts of violence are always possible . . . For several days past a considerable proportion of the people have been without bread altogether: for tho' the new harvest is begun, there is neither water nor wind to grind the grain. People have besieged the doors of the bakers, scrambled with one another for bread, collected in squads all over the city, and need only some slight incident to lead them to excesses which may end in nobody can tell what."

To James Madison, August 28: "Their Declaration of Rights is finished . . . The distress for money endangers everything. No taxes are paid, and no money can be borrowed . . . No [constitution] is yet reported; but the leading members have in contemplation [using our Constitution as] their model, in which such changes are made as a difference of circumstances rendered necessary."

SO GREAT A FERMENTATION: PARIS CROWD ON RAMPAGE



MUSEE DU CARNAVALET

REVOLUTIONS

The Idea Keeps Spreading

The new spirit of rebellion in France, partly inspired by the American war for independence, now seems to be spreading across European frontiers and even to other continents. Two recent outbreaks:

AUSTRIAN NETHERLANDS

"With what delight do the Belgians read about the Americans," says a pamphlet published in Brussels. "They threw off the tyrant's yoke and regained their liberty, arms in hand."

The crisis has not yet reached that point in the Austrian Netherlands—the ten Belgian provinces of the Habsburg Empire—but it seems closer every day. Austrians are jeered and spat upon in the street by rosette-wearing patriots. Despite widespread arrests and nighttime searches, anti-Austrian rebels harangue crowds in parks and even in churches. Most ominously, some 2,000 armed insurgents are drilling in Breda, just across the northern border in the neighboring republic of Holland. Their leader, Brussels Lawyer Henri Van der Noot, says that if he can recruit and arm another 1,000 men, he has a good chance of driving out the Austrians by the end of the year. His goal: an independent new nation to be called the United States of Belgium.

Although the rebels want independence, theirs is a conservative rebellion. The hostility against Habsburg Emperor Joseph II, who prides himself on his enlightenment, stems largely from the myriad "reforms" he has imposed. To reduce what he considers clerical idleness, the Emperor has closed more than 160 Belgian monasteries in the past nine years, leaving untouched only those engaged in teaching or hospital work. He has stripped bishops of authority and reduced their access to the Pope. By his 1781 Edict of Toleration, issued throughout Habsburg lands, he has forced the predominantly Catholic Belgians to accept Protestants' rights to worship freely and hold government office. In 1786 he issued a Universal Code of Civil Law that greatly reduced the traditional influence of the clergy and nobility in the provincial government. The Emperor further ordered the University of Louvain to modernize when a royal investigation disclosed that its curriculum had not been revised since 1617.

MUSEE DE L'ARMEE, BRUSSELS

ANGRY CROWDS IN LIEGE PREPARING ATTACK ON PALACE OF PRINCE-BISHOP
Said the Austrian minister: "Everybody is mad with excitement."

Even those Belgians who share the Emperor's progressive views are outraged by his dictatorial tactics. The rebels training in Holland under Van der Noot are largely conservative burghers, but they are receiving aid from a secret society of progressives within Belgium led by Brussels Lawyer Jean-François Vonck. A learned, melancholy man, Vonck has organized a clandestine network of dissidents who will rally public support whenever Van der Noot's troops are ready to move. Using code names, invisible ink, ciphers, and a system by which each member knows the identity only of the member who enrolled him, the *Pro Aris et Focis* (For Hearth and Altar) society has remained impenetrable to Austrian spies.

So far the only real rebellion has occurred in the neighboring principality of Liége, where a mob last month stormed the palace of Prince-Bishop Constantin de Hoensbroeck and forced him to permit the election of a new council. "Everybody in Liége is mad with excitement. They want to imitate the French," wrote Emperor Joseph's Minister Plenipotentiary to The Netherlands. But Joseph is so preoccupied with the war in the Ottoman Empire *(see following story)* that he has neither time nor troops to deal with his restless subjects in the Low Countries.

BRAZIL

Joaquim José da Silva Xavier, a militia lieutenant and sometime dentist known as *"Tiradentes"* (tooth puller), was carrying a copy of the United States Constitution in his pocket when he was arrested on charges of trying to overthrow Portuguese rule in the South American colony of Brazil. *Tiradentes* denies the charges: "Who am I—someone without social importance, or influence, or wealth—to persuade so great a people to such folly?" But several of his 33 co-conspirators have confessed under torture. They are now in prison awaiting trial in Rio de Janeiro. If convicted by a royal Portuguese court, they will undoubtedly face harsh sentences —perhaps even death by hanging, which is traditionally followed by beheading and quartering.

Most of the suspects come from the social and intellectual elite of Minas Gerais, a region north of Rio that boasts the highest cultural standards in Brazil. The prisoners include several teachers, lawyers, clergymen and poets. Like many Brazilians, they resent Portugal's appropriation of their country's wealth. The Portuguese Crown claims a "royal fifth" of the gold mined in Minas Gerais (44 percent of the world's supply) and exercises a monopoly over the production of diamonds in the region. The Crown responded to earlier, nonviolent protests against heavy taxation by fining the protesters and occasionally confiscating their property.

Although there has been no official American response, the Brazilian rebels were reportedly hoping for support from the United States. TIME has learned that Thomas Jefferson met secretly with a Brazilian rebel in France two years ago to discuss the prospect of American aid. Although Jefferson made no commitments, he later wrote to Secretary for Foreign Affairs John Jay that a Brazilian revolution would "not be uninteresting to the United States." The "prospects of lucre" as well as "purer motives," said Jefferson, might attract a considerable number of Americans to the Brazilians' cause.

THE OTTOMAN EMPIRE

The 'Oriental Project'

Just an hour before dawn, as the sky turned gray over the thickly wooded hills of southern Moldavia, Russia's General Alexander Suvorov reined his horse to a halt at the edge of a small lake. Less than a mile ahead, his scouts had made the first contact with an army of 30,000 Turks, who outnumbered his own Austro-Russian force by more than 3 to 2. But at almost the moment of battle, Suvorov waded out into the lake and calmly took a bath. "Now," he said when he emerged, "with God's help, we will go towards the enemy, attack him, and conquer."

Emboldened by their commander's confidence, the Russian infantry stoutly withstood the first Turkish rush, then counterattacked. Just as Suvorov had expected, the Turks fell back. Then the general sent his sabre-wielding Cossack cavalrymen sweeping into action. Alongside them charged a force of Austrian hussars, who routed a line of Turkish janissaries. Turkish Commander Mustafa Pasha soon abandoned the field, leaving his troops to fend for themselves. Suvorov's triumphant army kept attacking, overran the Turks' base camp and sent them fleeing southward on the road to Bucharest.

At a picnic on a slope overlooking a monastery outside the town of Fokshany, Suvorov and the Austrian commander, the Prince of Coburg, exchanged toasts. By Suvorov's aggressive tactics, the outnumbered allies had killed 1,500 Turkish troops and captured a large supply of grain and ammunition. The allied losses: just over 200 men.

Suvorov's victory, which took place on July 31 but only became known in dispatches reaching America last week, marks a striking new turn in the Austro-Russian invasion that has been ravaging the remote reaches of the Ottoman Empire for two years. The key issue, never officially announced: Russian Empress Catherine's ambition to destroy the Moslem Ottoman Empire ruled from Constantinople and to create a new Orthodox empire headed by her own grandson Constantine, 10. TIME herewith presents the background to this fascinating but complex war.

To achieve what diplomats call her "Oriental project," Catherine had no scruples about sending agents into the Ottoman provinces and provoking a war with the Turks, but the six-year struggle ended inconclusively in 1774. Before trying again, Catherine decided to acquire a major ally, so she made overtures to the new Habsburg Emperor Joseph II of Austria, who had his own designs on Ottoman territory. At 51, the portly and aging Russian Empress was twelve years his senior, but Joseph journeyed to St. Petersburg and began flirting. The Emperor was even rather indiscreet about it. He told his Chancellor, Prince Kaunitz, "We have to deal with a woman who cares only for herself . . . Hence one must flatter her. Her vanity is her idol . . . One must therefore howl with the wolves."

To celebrate the secret agreement they finally reached, Catherine invited Joseph to come and inspect the military preparations organized by her chief adviser and former lover, Prince Gregory Potemkin. Catherine headed south in a fleet of 200 horse-drawn sleighs, joined Joseph near Kiev, then sailed down the Dnieper with him to the fortress of Kherson, where a welcoming sign in Greek declared: THE WAY TO BYZANTIUM. At Sevastopol, finally, Prince Potemkin concluded a banquet by having a curtain pulled back so that Catherine could witness the sudden appearance of 40 warships, all firing a salute.

The Turks were disturbed by Catherine's ominous preparations. Some argued that Turkey should strike first, but Sultan Abdul Hamid II was doubtful. Reared like his predecessors in gilded isolation, Abdul had spent most of his first 50 years piously copying the Koran and making ornamental arrows. At 63, he wanted to spend his time and energy in his harem, which he had increased from 500 to 1,500 women.

Unfortunately for Catherine's scheme, her ally Joseph decided to take his troops into battle himself, a decision that wasted most of last year. Suffering from a combination of intestinal illness and sheer incompetence, the Emperor led a vast army of 80,000 soldiers to and fro across the Ottoman territories. At one point, when he was about to encounter a far smaller Turkish force, the Emperor suddenly took fright and decided on a nighttime retreat. Retreat mysteriously turned into panic. False rumors told of a Turkish attack. Austrian troops began firing wildly at each other in the darkness. The Emperor's carriage was overturned into a river. When daylight came, the Austrians counted some 10,000 of their own men killed or wounded. The Emperor thereupon returned to Vienna, leaving his troops in less noble but more skilled hands.

The Turks might have pressed their advantage, but they have been distracted this spring by the death, possibly by poisoning, of Sultan Abdul Hamid. That brought to the throne Selim III, 28, who vows to modernize his corrupt and disorganized empire. He also vows to fight on at all costs. And the Ottoman Empire may indeed be too vast for Catherine and Joseph ever to carry out their "Oriental project."

RUSSIA'S GEN. ALEXANDER SUVOROV

SHELLY SACKS

TURKS BEING ROUTED AT FOKSHANY

MUSEUM OF THE ARMY, VIENNA

NATIONAL MARITIME MUSEUM, LONDON

"HUZZA FOR OTAHEITE!" INSURGENTS PROVIDE BLIGH & LOYAL CREWMEN WITH SUPPLIES AS THEY ARE CAST ADRIFT

THE SOUTH SEAS

Mutiny on the *Bounty*

"A voyage of the most extraordinary nature that ever happened in the world," the exhausted British naval commander wrote in his last entry in his log, "let it be taken in its extent, duration and so much want of the necessaries of life."

William Bligh, 35, was hardly exaggerating. On April 28, according to dispatches arriving last week from the South Seas, Bligh was assaulted and seized by armed mutineers aboard his own ship, the H.M.S. *Bounty*. The mutineers forced the captain and 18 loyal crewmen into a longboat, but in 43 days of wandering, Bligh managed to guide the 23-foot craft over some 3,600 miles of stormy and little-known seas to safe harbor in Coupang on the remote Dutch-ruled island of Timor *(see map)*. Several of the ragged crewmen were gaunt and sickly (their daily rations: 1½ ounces of bread and 1 gill of water), but only one had been lost (stoned to death by natives).

The insurrection broke out in the midst of what Bligh had considered a peaceful voyage in search of breadfruit. Bligh himself was the first Englishman to discover the usefulness of this exotic plant as a food—he was even nicknamed "Breadfruit Bligh"—when he took part in the late Captain Cook's third voyage to the Pacific (1776-80). Commissioned to bring breadfruit trees to the West Indies to help feed the African slaves there, Bligh cruised for some months around Otaheite (pronounced Ta-*hee*-tee) and loaded the *Bounty* with 1,015 of the trees. But while his crewmen were searching the islands, they often succumbed to various temptations. Says Bligh: "The women are handsome—mild in their manners and conversation—possessed of great sensibility . . ." Seven times during the voyage, Bligh had to resort to floggings to restore discipline.

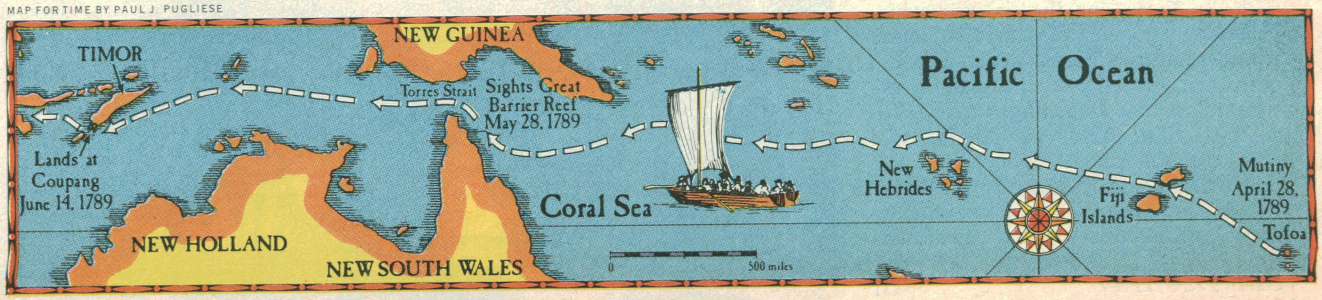
On the afternoon of April 27 the captain noted the disappearance of a number of coconuts that had been stored between the ship's guns. He questioned the officers about how many coconuts they had acquired for themselves. One of them, Chief Mate Fletcher Christian, answered angrily: "I do not know, sir, but I hope you don't think me so mean as to be guilty of stealing yours?" Bligh answered just as angrily: "Yes, you damn'd hound, I do. God damn you, you scoundrels, you are all thieves alike, but I'll sweat you for it, you rascals."

The next morning, just before sunrise, Christian and six accomplices struck back. Says Bligh in his report: "They came into my cabbin while I was fast asleep and seizing me, holding naked bayonets to my heart, tyed my hands with a cord behind my back and threatened instant death if I made the least noise." Despite the warning, Bligh cried out for help, in vain. "I was hauled out of bed," he continues, "and I was forced on deck in my shirt with my hands tyed behind my back in so severe a manner that I suffered the severest torture." Bligh says that he "degraded Christian for his villainy" and demanded to know "the cause of such a violent act," but Christian answered, "Not a word, sir, or you are dead this instant."

The 25 assembled mutineers kept shouting threats of death—"Damn his eyes! Blow his brains out!"—but their actual plan was to set Bligh adrift in the ship's leaky cutter, a "rotten carcass of a boat." When several crewmen wanted to go with him, however, the mutineers agreed to let them use the more seaworthy longboat and to take some supplies: a 28-gallon cask of water, 150 pounds of bread, 25 chunks of pork, 6 quarts of rum, four sabres, a tool chest and a compass.

Even at the last minute, Bligh argued with the mutineers: "I'll pawn my honor, I'll give my bond, Mr. Christian, never to think of this if you'll desist." Said Christian: "No, Captain Bligh, if you had any honor, things had not come to this." The mutineers then

MAP FOR TIME BY PAUL J. PUGLIESE



cut the longboat loose and sailed eastward, shouting, "Huzza for Otaheite!"

Since Bligh's boat was loaded to within 7 inches of the gunwales, he first decided to sail to the nearby island of Tofoa, where the natives had previously been friendly. Now that Bligh no longer commanded the *Bounty*, however, some 200 natives surrounded his foraging party, killed one seaman and chased the others out to sea. ("In the course of this," Bligh later wrote in his log, "I saw five of the natives about the poor man they had killed, struggling who should get his trousers, and two of them were beating him on the head with stones.")

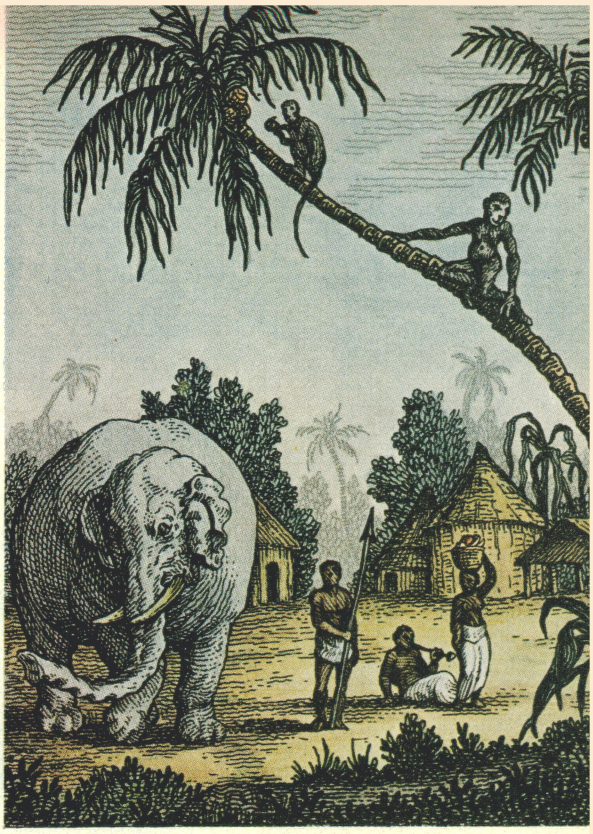
The result of that attack, according to Bligh, was that "I was earnestly sollicited by all hands to take them toward home ... I therefore bore away across a sea, where the navigation is dangerous and but little known and in a small boat deep loaded with 18 souls, without a single map and nothing but my own recollection and general knowledge."

Soon it began to rain, and the swelling seas broke over the little boat's stern. Bligh ordered that all spare sails, rope and clothing be thrown overboard, and the bread was stored in the tool chest in an attempt to save it from rotting. Everyone had to bail constantly. Bligh's log: "A situation equally horrible perhaps was never experienced." Despite his precautions, the storm rotted the bread, but the castaways had to eat it anyway. Said Bligh: "Our wants are now beginning to have a dreadful aspect."

After a little more than a week at sea, the boat passed through the northern edges of the Fiji Islands, but there was no chance of rescue. Bligh's log: "I dare not land for fear of the natives, having no arms." At one point, two Fijian canoes suddenly appeared and began chasing Bligh's longboat, so the Britons "rowed with some anxiety" until the Fijians gave up the pursuit. To the west of them lay another 720 miles of open sea, with no land until the New Hebrides. The storms began again. Bligh's log: "A prodigious fall of rain, with severe thunder and lightning ... At length the day came and showed to me a miserable set of beings, full of wants, without anything to relieve them." Bligh doled out rum, one spoonful per man. He steered north of the New Hebrides and on into the Coral Sea, more than 1,725 miles across. And again: "The night was truly horrible, and not a star to be seen ... Constant rain, at times a deluge ... At dawn some of my people seemed half dead, and I could look no way but I caught the eye of someone in distress." It was on May 25, after almost a month at sea, that one of the famished crewmen managed to seize a noddy, a tern about the size of a pigeon, in his bare hand. Bligh divided the tiny bird into 18 pieces, and it was "eat up, bones and all, with salt water for sauce."

The presence of the bird heralded land. After three days, the castaways finally heard the thunderous beating of breakers on the Great Barrier Reef, and once Bligh had steered them to the shallows inside the reef, they "returned God thanks for his gracious protection." They now could find food—they scraped oysters from the reef and carved out the pulp of palm trees—but they still were not out of danger. On one occasion, when they encountered a band of armed natives—"They appeared to be jet black with short bushy hair and quite naked"—they fled to deep water again. They navigated through the Torres Strait and toward Timor, still some 1,080 miles to the west. And the rains swept down again. Bligh's log: "People began to appear very much on the decline ... An extreme weakness, swell'd legs, hollow and ghastly countenances, great propensity to sleep, and an apparent debility of understanding, give me melancholy proofs of an approaching dissolution of some of my people, if I cannot get to land in the course of a few days." But at dawn of June 14, he did reach his goal on the coast of Timor. "It is not possible," he observed, "for me to describe the joy that the blessing of seeing the land diffused among us."

Now that Bligh has achieved the feat of bringing his men to safety, his next goal is revenge. In Timor, he has already bought a 34-foot schooner and renamed it the H.M.S. *Resource*. This craft he will sail back to England so that he can persuade a court-martial to name the 25 mutineers as pirates, condemned, if they are ever caught, to hanging.



ROBERT P. VAN NUTT

NATIVE SETTLEMENT IN SIERRA LEONE
"This country does not agree with us."

AFRICA

A New Jerusalem

Should freed slaves eventually be sent back to Africa? If so, the likeliest place for them is the Province of Freedom, Britain's first colonial settlement on the coast of that unexplored continent, which was financed by the British Treasury three years ago as a haven for former slaves. Seeking firsthand information on conditions in the Province, Newport Congregational Minister Samuel Hopkins recently wrote to London to inquire whether freedmen from America could introduce "into that hitherto uncivilized country the arts of husbandry" and "spread the knowledge of [Christianity] among the Africans." They could indeed, replied Granville Sharp, the abolitionist who first presented the idea to the Treasury. There is, said Sharp, "plenty of grass, and cattle thrive exceedingly well."

Sharp was being typically optimistic. Beset by disease, desertion, a harsh climate, and the hostility of both native chiefs and local slave traders, the colony seemed close to extinction just last year. Of the original 270 settlers, only 43 remained. Admitted Negro Governor Richard Weaver: "This country does not agree with us at all and, without a very sudden change, I do not think there will be one of us left at the end of a twelvemonth." Even Sharp conceded at that point that he had received nothing but "melancholy accounts of my poor little ill-thriven swarthy daughter"—as he affectionately calls the colony he created. But now, bolstered by a shipload of new settlers, the population has risen again to almost 200, and the settlement is slowly taking shape. Although the colony still bears little resemblance to the Utopian village envisaged by Sharp, it has at least become habitable. A few huts have been built, and the first crop of bananas and rice has been harvested.

The Province of Freedom began as a glint—or perhaps mote—in the eye of the Committee for Poor Blacks, a charity group concerned about England's 15,000 destitute Negroes. Many of them were former American slaves who had fought for the British and then drifted to London, where slavery had been ruled illegal in 1772. Backed by the committee, Sharp persuaded the government to transport a group of settlers to Sierra Leone, the mountainous tropical peninsula on the western coast of Africa. There, according to Sharp's plan, the former slaves would establish a farm-

When the first Coke was mixed in a little drugstore in Atlanta, the West was already opened up. But bridges and railroads and towns had to be built. Chicago and San Francisco needed to be bigger and there had to be roadways to connect them. There was still a lot of wilderness to be transformed so that New York could have roast beef from Kansas and corn from Iowa for its dinner. They got it all done. And

Coke was there to refresh them.

Then, highways had to ribbon out across the plains and over the mountains to serve the horseless carriages Henry Ford was turning out so quickly in Detroit. There was a war in Europe that needed attention. And a thousand factories with a hundred thousand houses for the people who worked in them had to go up overnight. They got it all done. And

Coke was there to refresh them.

And through it all, Americans were having their own special kind of fun. They invented the movies, a hundred new dances, and a different kind of music that swept the world as no sound had before. And along with the music, America exported Coca-Cola. Another war came along. And because of that special American

Happy Birthday, America.

We've been to a lot of birthday parties.
Now the biggest one of all is coming up.
We're glad to say that, as always,
Coke will be there to refresh you.

Coke
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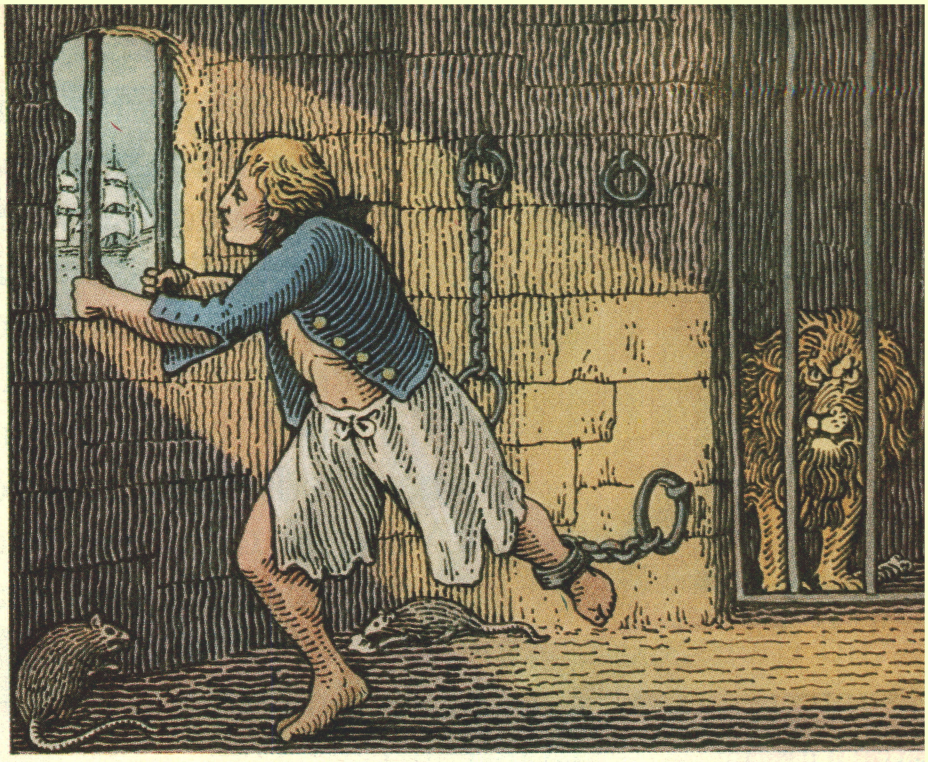
ing settlement and govern themselves by means of a system that he believed was used in ancient Israel and again in the days of King Arthur. Groups of ten families (tithings) would annually elect a leader (tithingman), and groups of ten tithingmen would in turn elect hundreders, who would then name a chief justice. Land would be equally divided among all families, and the standard of currency would be labor. Taxation would consist of 62 days of labor a year for the community.

Some 700 blacks signed aboard the three navy transports heading for Sharp's African Utopia, but during the six months it took the colonists to reach Sierra Leone in May of 1787, storms at sea, shipboard diseases and desertions during delays in port reduced their number to 270. Although the settlers were mostly black men, they also included women, a few children, and a number of whites—38 British craftsmen, an "agent conductor" to oversee operations, an engineer to build fortifications, a gardener, five doctors, a clergyman and a sexton. Once ashore, the colonists made a deal with King Tom, a local chief, for a strip of land running some 10 miles along the northern shore. The price: eight muskets, a barrel of gunpowder, 24 laced hats, 130¾ gallons of rum, 34 pounds of cured tobacco, 10 yards of red cloth and 117 bunches of beads.

Almost as soon as the settlers raised the British flag on a hill they named after St. George, the summer rainy season began, with fierce winds and heavy downpours. By the time the rains stopped in September, 96 settlers had died, including the agent conductor, the engineer and the gardener.

The grain and vegetable seeds that the settlers had brought from England proved ill suited to the tropical climate, and they were forced to sell their muskets and their very clothing to the natives for food. They even faced a threat of renewed enslavement. Although local chiefs sell mainly criminals (especially those accused of witchcraft or adultery) to European slave traders, the chiefs began to look at the hapless settlers as a new source of revenue. King Tom reportedly sold at least two runaway settlers to the traders last year and threatened to sell more. Lamented Governor Weaver: "I think within my own breast that government did not take the pains to send us here to be made slaves of."

Appalled by this ruin of his plans, Sharp began raising £200 to send a shipload of new settlers and supplies to the beleaguered Province. Although still vulnerable to attacks by hostile slave traders, the settlers now seem determined to be the democrats of Black Africa. Following Sharp's constitution, the tithingmen and hundreders appointed a chief justice, and they have petitioned their British patron for "a town bell" to call the people to meetings and prayers.



ROBERT P. VAN NUTT

AMERICAN SAILOR CONFINED IN ALGIERS PRISON WITH DEY'S PET LIONS

BARBARY COAST

Ransom for Slaves?

Liberty—the word has a hollow sound to 15 Americans. For more than four years, they have been slaves in the possession of the Moslem Dey of Algiers, subject to being fettered in leg irons, chained to pillars, and bastinadoed on the soles of their feet.

The prisoners were victims of a sudden diplomatic shift. Unbeknownst to them, Spain concluded a peace treaty with Algiers in June of 1785 and lifted its blockade of the Strait of Gibraltar. That permitted the aggressive Algerines to sortie out into the Atlantic. A rakish corsair soon intercepted the Boston schooner *Maria* off the coast of Portugal and seized its captain and five crewmen. An Algerine frigate ranged some 180 miles out to sea to capture the brig *Dauphin* with 15 Americans. (Since then, Portugal has established its own blockade of the strait, and no more Americans have been seized.)

In effect, Algerine piracy has closed the whole Mediterranean to United States shipping. It is a considerable loss. Before the Revolution, the American colonies had some 80 to 100 vessels in the Mediterranean trade, carrying wheat, rum, rice and lumber. But then the ships sailed under the protection of the mighty British navy. The British, like other major European shippers, were accustomed to paying a tacitly agreed tribute to the Barbary States (Morocco, Tripoli, Tunis and Algiers) in exchange for the assurance that their ships would sail unmolested. Such arrangements lead the corsairs to prey only on the seamen of smaller nations —like the United States.

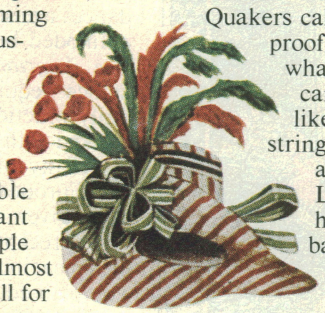
Congress hoped for a time to negotiate a settlement. It authorized Thomas Jefferson, Minister to France, to spend up to 80,000 dollars to secure treaties with all four Barbary States. On his own, Jefferson ventured to offer the Dey 200 dollars in ransom for each American prisoner. The Dey all but laughed. Spain had paid as much as 1,600 dollars per prisoner. The Dey demanded a staggering 60,000 dollars, plus an 11 percent tax, for the prisoners alone. Until that was paid, he refused even to discuss an overall treaty. France's Foreign Minister, the Comte de Vergennes, candidly advised the Americans to pay—or fight: "The only two agents at Algiers are money and fear."

Jefferson had no doubt about the choice. Said he: "We ought to begin a naval power if we mean to carry on our commerce. Can we begin it on a more honorable occasion, or with a weaker foe?" John Adams, then Minister to Great Britain, warned him, however, that Congress "will never, or at least not for years, take any such resolution." For the time being, Jefferson has turned over the problem to a Parisian order of friars called the Mathurins, who have specialized ever since the Crusades in quietly negotiating the release of Christians captured by the Moslems.

Six of the Americans have died in captivity, but the survivors' conditions are not always so hellish as some reports say. Several of the men have served as domestics in the Dey's own palace. The two captive captains have been put in the custody of the British consul, and have saved enough money to obtain a shared house of their own. Another prisoner, though generally confined to the rat-infested prison where the Dey's pet lions are kept, has nonetheless acquired a tavern on the prison's ground floor. By last report, it is prospering.

Plumed and Painted

Gone at last are the days of the high-piled coiffure, when the chin of a fashionable lady came midway between the tips of her toes and the top of her hair. The international trend reached its absurd apex in Paris when the Duchesse de Chartres appeared at a ball in a towering coiffure adorned with the likenesses of her little son, the son's nurse, her favorite Moors and several parrots, all set among additional trimming made from the hair of her husband, father and father-in-law. Now the gradual descent from such heights of folly—which reportedly began when Marie Antoinette lost a considerable amount of hair while pregnant and adopted a short, simple "baby coiffure"—seems almost complete. The new styles call for ladies to let their hair fall gracefully down their backs in long curls.



But what feminine stature lost in hair it has regained in hats. Among the season's most popular models is the muslin turban, which is wound round a large wire frame and topped with whatever assortment of fruits, flowers and feathers strikes the milliner's seemingly inexhaustible fancy. At a recent reception given by Mrs. Washington in New York, the plumage of one turbaned young lady took fire from the chandelier. A gallant presidential aide, Major William Jackson of Charleston, extinguished the blaze with his hands while the flames were still nibbling the fruit.

Such mishaps are expensive. The best hats—especially billowing lace mobcaps and broad-brimmed skimmers woven from Tuscan straw—may cost as much as 100 dollars and take six to nine months to make. For women who want to protect their investment, however, there is a hat designed to be worn over other hats. Several ladies arrived wearing calashes at the New York ball recently given by the French minister. The calash—or "wagon bonnet," as the Quakers call it—is made of waterproof fabric stretched over whalebone or reed hoops. It can be raised or lowered like a carriage top by a string attached to the front and held in the hand. Lest they appear too top-heavy, women of fashion balance their headdresses by wearing bustles behind and padding themselves out to pouter-pigeon proportions in front. In winter, huge barrel-shaped muffs complete the *grand pouf* effect.

All this at least distracts from the face, which many fashionable ladies now decorate in a way that is both garish and unhealthy. One British physician recently warned of pernicious side effects of the white lead paints that women use to give their complexions a smooth, glossy finish. The paints not only "affect the eyes, which swell and inflame," they "attack the teeth, make them ache, destroy the enamel and loosen them." In some cases, they "heat the mouth and throat, infecting and corrupting the saliva, and they penetrate through the pores of the skin, inducing diseases." The doctor adds that on contact with sulphur or garlic, the lead paints often turn the skin black.

After enameling her face, the lady of *bon ton* darkens her eyebrows with elderberry juice or burnt cloves, pencils in a few blue veins, and applies her rouge. Since only women of a certain profession use rouge to feign a blush, amateurs must apply it *à tranchant*—that is, in a manner so glaringly artificial that its glow can be seen across a room.

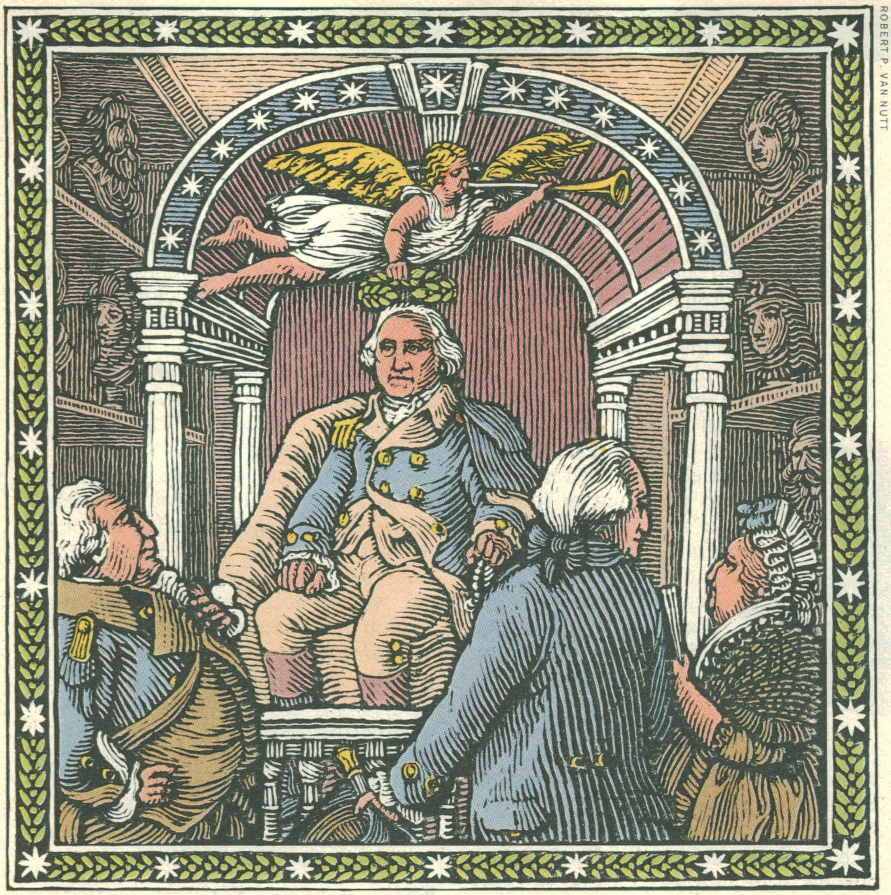
The final stage in the makeup ritual is the application of beauty patches, little specks of black gummed silk or paper cut out in the form of stars, crescents, suns, hearts, animals or little people. Named according to their position, a patch in the center of the brow is called *la majesteuse,* on the nose *l'effrontée,* near the eye *la passionée,* on the upper lip *la coquette* and on a pimple *la receleuse* (the concealer). When a French priest gave a sermon against the patches, ironically inquiring why Parisian decadents restricted them to their faces, he inadvertently started a new rage: provocatively placed body patches.

Pleasing Curiosities

At the William Street home of Joseph Deeker, a speaking mannequin suspended by a ribbon from the ceiling of a miniature temple answered any questions put to it. On George Street, one of Mr. Willman's performing birds, with a grenadier's cap on its head, a cartridge box at its side and a gun in its claws,

DISPLAY OF NEW HATS FROM FRANCE. SOME CAN TAKE NINE MONTHS TO CONCOCT AND COST UP TO 100 DOLLARS

COSTUME INSTITUTE, METROPOLITAN MUSEUM OF ART



ROBERT P. VAN NUTT

THE WASHINGTONS INSPECT WAX VERSION OF PRESIDENT CROWNED WITH LAUREL

strutted about like a soldier on sentry. Farther downtown on Broadway, John Brenon of Dublin thrilled crowds by going through the "manual exercise of the firelock," then firing—all while walking on a high wire.

New York's position as the nation's center of government may be only temporary, but it seems firmly entrenched as the pleasure capital of the country. Already sated with such standard fare as concerts, puppet shows and Chinese shadow plays, New Yorkers are now indulging a seemingly insatiable taste for the "curiosity show."

Two weeks ago, President Washington and his wife Martha visited Mr. Bowen's exhibition of wax works at 74 Water Street. The exhibition, which has been touted as a collection of "the most pleasing curiosities ever exhibited on the continent," features a life-size tableau of the President sitting under a canopy in military dress while Fame, hovering over his head, crowns him with a laurel wreath (for a similar scene, see THE THEATRE). Other popular tableaux include an Indian chief in his war habit and holding a real scalp, Darby and Joan enjoying themselves over a basket of fruit and a bottle of wine, and Moll, a madwoman who can be made to toss her head and roll her eyes.

In their perfection of detail, Bowen's figures rival the famous wax works of French Sculptress Marie Grosholtz, art tutor to Louis XVI's sister Elisabeth and good friend of Engineer François Tussaud. Madame Elisabeth often commissions wax models of friends' ailing limbs and dedicates them to the saints in hope of a cure. Bowen's figures, however, are more in New York style: intended only for entertainment.

Reels and Rigadoons

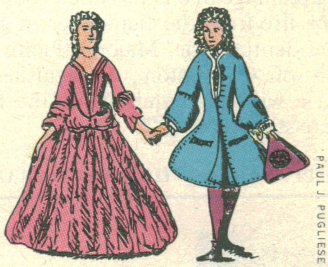
Noah Webster and the Comte de Moustier do it. Thomas Jefferson's daughter Patsy does it (from 10 a.m. to 1 p.m. every other day). Even the Shakers and the Iroquois do it. As soon as the states began lifting their wartime measures against all forms of frivolity, the sound of fife and drum gave way to French horns and violins. Now it seems the whole country is kicking up its heels —in jigs, reels, hornpipes, cotillions and rigadoons.

In the southern states, balls often last for days. In the north, where fiddlers have become a fixture at weddings, quilting bees and sleigh rides, physicians are even blaming the dance for the current high incidence of consumption among the young. Observes French Author J.P. Brissot de Warville: "Women are fond of excessive dancing; heated with this, they drink cold water, eat cold unripe fruits, drink boiling tea, go thinly clad in winter."

Dancing is not only a mania; it has become a minor industry. A recent influx of dancing masters, many of them aristocratic refugees from France, have set up shop as merchants of the minuet. The movement even has its missionaries. Monsieur Violet, who has made himself dancing master to the Iroquois, takes his pay in beaver skins and bear hams. America's foremost dancing master, however, is a native, John Griffith, who last year published America's first book of dances. He has opened schools in New York, Connecticut, Rhode Island. Now in Boston, Griffith says he is teaching "new cotillions which have been but four months invented in Paris."

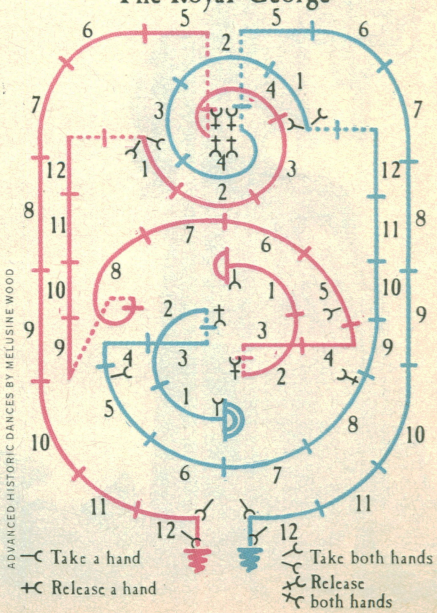
Unfortunately, many of the new dances are so complicated that they are outmoded before they can be mastered *(see diagram)*. Some minuets, for instance, require at least three months of daily practice before they can even be walked with skill.

Many of the most popular dances are European in origin, but they have been given a distinctly American cast. On a recent visit to Philadelphia, the perspicacious Marquis de Chastellux complained that Americans had taken a ritual "of gaiety and of love" and made it a matter of politics and marriage. By custom—and at some balls by rule —Americans are supposed to stay with the same partner all evening. Even more disturbing to the marquis, Americans have mixed politics with prancing by changing the names of such dances as "The Royal George" and "Lady Buckley's Whim" to "The Defeat of Burgoyne" and "Clinton's Retreat."



PAUL J. PUGLIESE

The Royal George



ADVANCED HISTORIC DANCES BY MELUSINE WOOD

LIBRARY OF CONGRESS

TOBACCO MERCHANTS AT SOUTHERN PORTS ARE AMONG THE MANY AFFECTED BY MEASURES TO REGULATE TRADE

POLICY

Toward a New Era of Prosperity?

"Molasses is a necessity of life," said Congressman Benjamin Goodhue of Massachusetts. "If the importation of molasses should fall through, our fisheries must fall with it."

"A duty on nails is an unequal tax," said Theodorick Bland of Virginia, "burdening the southern states but not felt by the northern, who make only enough for their own consumption."

"I am willing to let my name go to posterity," said Thomas Scott of Pennsylvania, "in giving it as my opinion that if you lay a high duty on such a necessity of life [as salt], it will go nigh to shipwreck the government."

"All taxes are odious," sighed John Laurance of New York. "It is also true some are more odious than others."

Out of all this controversy among the competing states has emerged a series of laws that finally establish a national trade policy. Despite many Americans' fondness for rhetoric about free trade, Congress's actions represent a powerful governmental retaliation against the protectionist rules that Britain, France and Spain have imposed on America since the war. Because the Europeans need access to America's natural riches, the prospect is that the new laws will not only end the depression that has afflicted American commerce since 1785 but will bring in some 1,500,000 dollars in annual tariff revenues to fund the national war debt.

▸ Most important among the congressional measures in terms of revenue is the Tariff Act, which went into effect last month. Under the bill, foreign goods that enter the United States are subject to duties ranging from a flat 5 percent on most commodities up to 15 percent on carriages.

▸ A companion bill, the Tonnage Act, discriminates against foreign shipping. Foreign-built and foreign-owned ships pay a duty of 50 cents per ton when entering American ports. American-built but foreign-owned ships pay 30 cents a ton, while American-owned vessels pay only 6 cents a ton. Together, the two acts provide a formidable weapon against foreign merchants: a British ship loaded with 100,000 pounds of Chinese green tea would pay a total of 27,800 dollars in duties; an American vessel with the same cargo would pay only 10,080 dollars.

▸ To help enforce these revenue bills, the country has been divided into 59 collection districts. A collector has been appointed for each district, and they in turn are hiring the necessary weighers, gaugers, measurers and inspectors. Naval officers and surveyors are already employed in many of the ports. The cost of building and maintaining lighthouses, beacons, buoys and public piers has been taken over by the federal government.

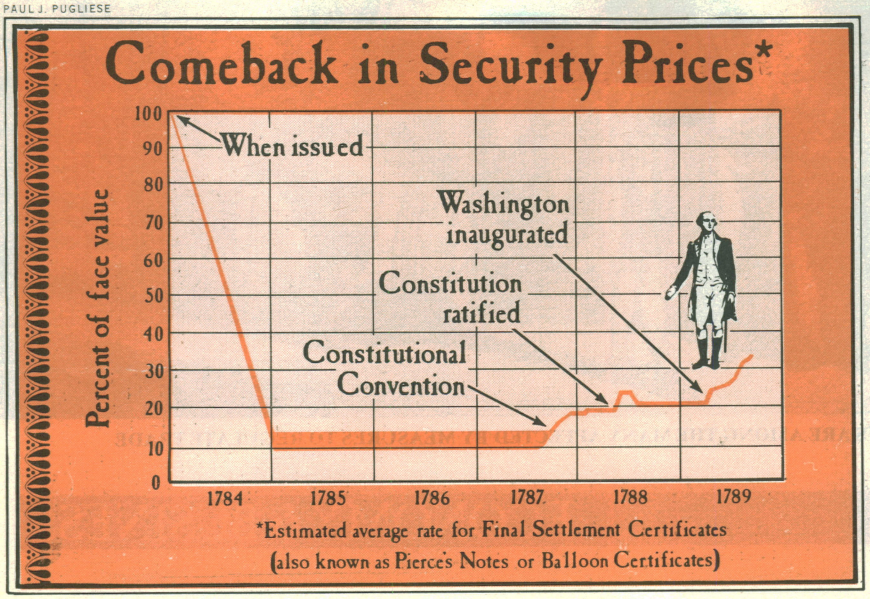
▸ The latest act, signed by President Washington earlier this month and just now being put into effect, will regulate the coastal trade between American ports. Small American ships are allowed an unlimited number of entries into American ports for an annual fee, while foreign vessels have to pay a fee for each entry.

Despite the obvious benefits of working out a national policy, the trade legislation had rough sailing in Congress, and this was not simply a matter of maneuvering for advantage by the various states. In their view, it was a matter of survival. Northern industrial states generally wanted high duties on foreign manufactured goods, and low duties on raw materials. Southern agricultural states wanted just the opposite. South Carolina and Georgia in particular proclaimed their dependence on foreign shipping and said they could not afford higher costs in exporting their rice and indigo. Pennsylvania wanted protection for its fledgling iron and steel producers, while Virginia fought the prospect of higher prices on farm equipment.

The compromise bills worked out under the leadership of Congressman James Madison of Virginia contained favors for almost everyone. Raw materials important to the north—including lead, tin and wool—were exempted from duty altogether. Certain agricultural products from the south—hemp and indigo—were protected from foreign competition by the imposition of relatively high duties. To please rum-producing Massachusetts, the duty on molasses was dropped from 8 cents a gallon to 2½ cents.

The expected tariff revenues of more than 125,000 dollars a month could not be coming at a better time. The Treasury, which under the Articles of Confederation never received more than about one-fourth the amounts due to it from the hard-pressed states, is virtually bare. Like several of the poorer states, the nation has been paying many of its bills with public securities, and the national debt has soared beyond 54,000,000 dollars *(see following story)*. Congressional backers of the trade bills say that the duties collected should be sufficient to pay the interest on the national debt, maintain a standing army to defend the western territories against the Indians, and organize a navy to protect American shipping from the Barbary pirates. As Madison himself put it, "We possess natural advantages which no other nation does. If we have the disposition, we have abundantly the power to vindicate our cause."

PAUL J. PUGLIESE



FINANCE
The Network Buzzes

Patriots who pledged their lives and their sacred honor to independence 13 years ago have won their rewards, but those who put their fortunes into government securities have yet to be compensated. Indeed, about four-fifths of the original buyers have resold their securities, almost always at a loss, and in some cases for as little as 10 percent of face value. Now, however, the growing hope that Congress may finally fund* the 54,000,000 dollars in federal debts —and perhaps even the estimated 25,000,000 dollars in state debts—has speculators scouring the countryside to buy up government certificates.

As a result of this speculating, the federal government certificates that hit bottom during the Depression of '84 and '85 are now soaring in value *(see chart)*. Even the shakiest securities, the Final Settlement Certificates, have increased roughly 50 percent so far this year, from about 22 percent of face value to a high of 33. Loan Office Certificates, which brokers consider the most secure, were also trading last week for 33, their highest price in a decade. The recovery has been so impressive that counterfeited versions are appearing in greater numbers than ever. A counterfeiter in Fredericksburg, Virginia, has told how it is done: a certificate's denomination is removed with vitriol, the paper is restored with gum arabic, and a higher amount is inked in.

Trading is hectic, and prices have fluctuated since the drafting of the Constitution started the upward movement two years ago. A number of speculators have made quick fortunes. For instance, Boston Merchant Daniel Parker, operating in Amsterdam, bought 840,000 dollars worth of Final Settlement Certificates through his American broker for 300,000 dollars, then sold them to a Dutch broker for 504,000 dollars. William Short, Thomas Jefferson's personal secretary, has been speculating successfully even while his superior warns that the United States security market has already attracted so many European speculators that it could become difficult for the American government to float new loans abroad.

Since there is no central exchange for securities in the United States—as there is in Amsterdam and Paris—individual brokers in major cities, principally in the northeast, are buying and selling the certificates for clients and in some cases for themselves. "There are paper speculators dispersed over every part of the United States," says a member of the New York firm of Constable, Rucker. "They keep up a constant and accurate communication. The information flies from one to another in every direction like an electrical shock."

That network was buzzing last week with the news that the House of Representatives had authorized Treasury Secretary Alexander Hamilton to ask the states for listings of their debts, an indication that assumption of state obligations may be at hand. Some Federalist leaders believe that a more or less permanent United States debt would strengthen national unity by giving citizens a vested interest in the government.

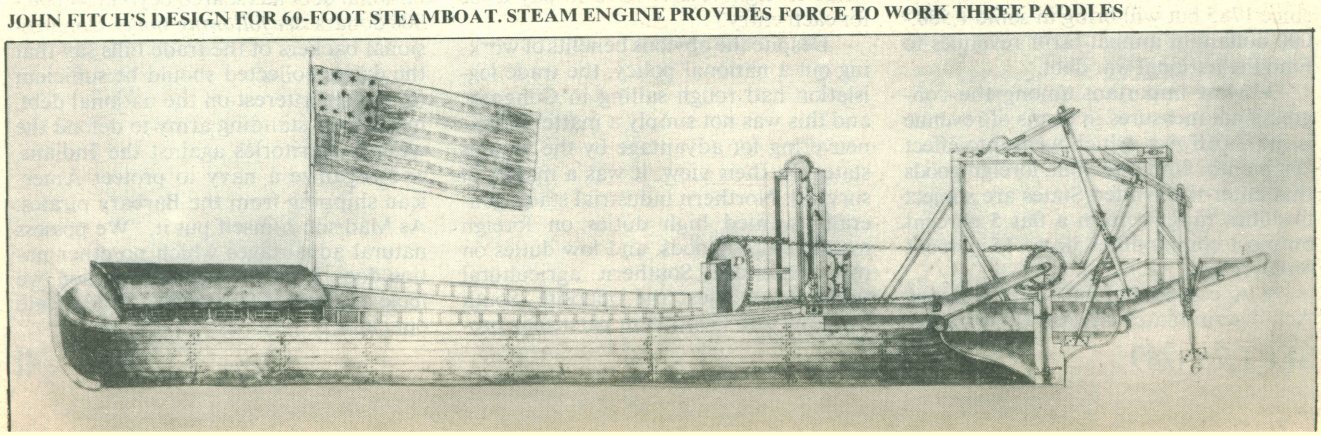
How much will actually be funded, and to whom, remains a contentious issue. Some Americans favor full funding of the debt at face value; others want to repudiate part of it. Many people tend to think that at least partial payment should go to the original holders—those patriots who loaned money for the war effort, supplied the Army, or fought in the war and have since sold their certificates at a loss. Speculating financiers and merchants from the north say that full funding should go to the present holders. Senator William Maclay of Pennsylvania has suggested that the certificates be exchanged at market value for western lands, an exchange that would be available only to present holders. Whenever and however Congress resolves the question, the oldtime patriots are not likely to come out victorious: nearly half of the members of Congress are reported to be speculating in government securities.

*Funding will not mean immediate repayment but simply the issuance of new certificates on which the payment of interest is guaranteed by the federal government.

TRANSPORTATION
Fitch's Folly?

Ever since Hero of Alexandria built his steam engine in the 1st century, men have tried to harness its power to voyage across land and sea. Few, however, have worked so hard at this task as John Fitch, 46, a Connecticut-born cartographer who has spent the past four years —and around £4,000—in an attempt to build a commercially successful steamboat. Fitch's first craft, which was tested on the Delaware River in 1787, proved too slow (3 miles per hour) to compete against highway transportation. Chief problem: the steam engine was so inefficient that it was barely able to move its own weight. A second boat

JOHN FITCH'S DESIGN FOR 60-FOOT STEAMBOAT. STEAM ENGINE PROVIDES FORCE TO WORK THREE PADDLES



SMITHSONIAN INSTITUTION

When should you buy your first Cadillac?

Only you can decide when the time is right. But you might be interested to know that more and more people are making that decision early in life.

Over the last three years, the percentage of Cadillac owners under 35 increased 26%.

During this same period of time, the percentage of Eldorado owners in this particular age group increased 22%.

Why are these young drivers choosing Cadillac? It could be that good judgment isn't a matter of age. It's a matter of recognizing real value.

did considerably better. A third steamboat is now undergoing engine modifications to make it lighter and faster.

Fitch's problems are not all technical, however. Ever since he first conceived of the idea of steam-powered transportation while walking home from church one Sunday in 1785, Fitch has had to battle both to develop and to protect his invention. His attempts to interest the Congress in underwriting his invention failed. Nor were state governments much more enthusiastic. While Virginia, New Jersey, New York, Delaware and Pennsylvania granted him exclusive rights, none offered him any assistance in actually building the boat. Fitch's determination has won him the backing of a handful of shareholders. Their goal: to start a steamboat service on the Delaware River, charge 5 shillings from Philadelphia to Trenton and thus earn about £1,750 per year.

For the past year, however, James Rumsey, 46, of Virginia, has been battling Fitch ferociously for the right to develop the steamboat. Claiming that the original idea was his, and backed by such notables as President Washington and Benjamin Franklin, Rumsey has been challenging Fitch's sole rights in several state legislatures. His attacks seem unfair. The idea of using steam to power a ship is anything but exclusive. Even if Rumsey thought of it before Fitch, Fitch seems to have been the first to build a practicable craft.

TRADE

The Riches of Cathay

A glass of rum was raised high in a toast. A carpenter split the keel blocks. With a slight shudder, the giant hull slipped down the ways and splashed gently into the waters of Broad Sound. From several thousand spectators there rose a mighty cheer.

Thus was launched last week, at Germantown near Boston, the 820-ton merchantman *Massachusetts*. With a keel 116 feet long and a mainmast 84 feet high, she is the largest commercial ship ever built in the United States. By early next year, she is expected to be on her way to China, and Co-Owner Samuel Shaw can repeat the prophecy he made once before: "If I live, I shall be in easy, very easy circumstances."

Bostonian Shaw, 35, is one of the few Americans who truly know the perilous routes to China, which now shows signs of becoming a lucrative market for American goods. He was a war hero, rose to major, was cited for gallantry at Trenton, Brandywine and Monmouth, and won President Washington's praise as "an intelligent, active and brave officer."

After he resigned from the Army in 1784, he found a position as commercial agent aboard the *Empress of China*, a 360-ton ex-privateer. The ship was refitted by former Superintendent of Finance Robert Morris of Philadelphia and Daniel Parker & Company of New York for the first American commercial voyage to reach the Orient in half a century. Its cargo: 30 tons of ginseng, a harmless root that grows wild in the extensive back country surrounding Hudson's River and is highly valued by the Chinese for its supposed medicinal and aphrodisiac qualities, as well as 31 tons of lead, 21 tons of cotton, 1.7 tons of pepper and 2,600 fur skins. Total value: 120,000 dollars. Proceeding around the Cape of Good Hope, the *Empress* took six months to reach the Portuguese outpost of Macao, where all ships must stop at the doorway to China and get a *chop* (permit) to proceed up the Pearl River to the Whampoa Anchorage, 14 miles south of Canton.

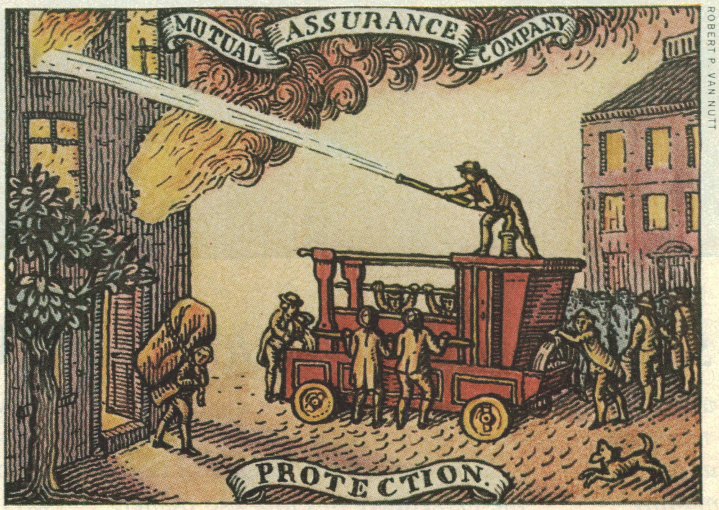
The *Empress's* captain, John Green, brought to this mysterious land an impressive introductory letter from Congress addressed to "The Most Serene, Most Puissant, High, Illustrious, Noble, Venerable, Wise and Prudent Lords, Emperors, Kings, Republicks, Princes, Dukes, Earls, Barons, Burgomasters, Councillors, and also Judges, Officers,

To Fight Fires: Insurance

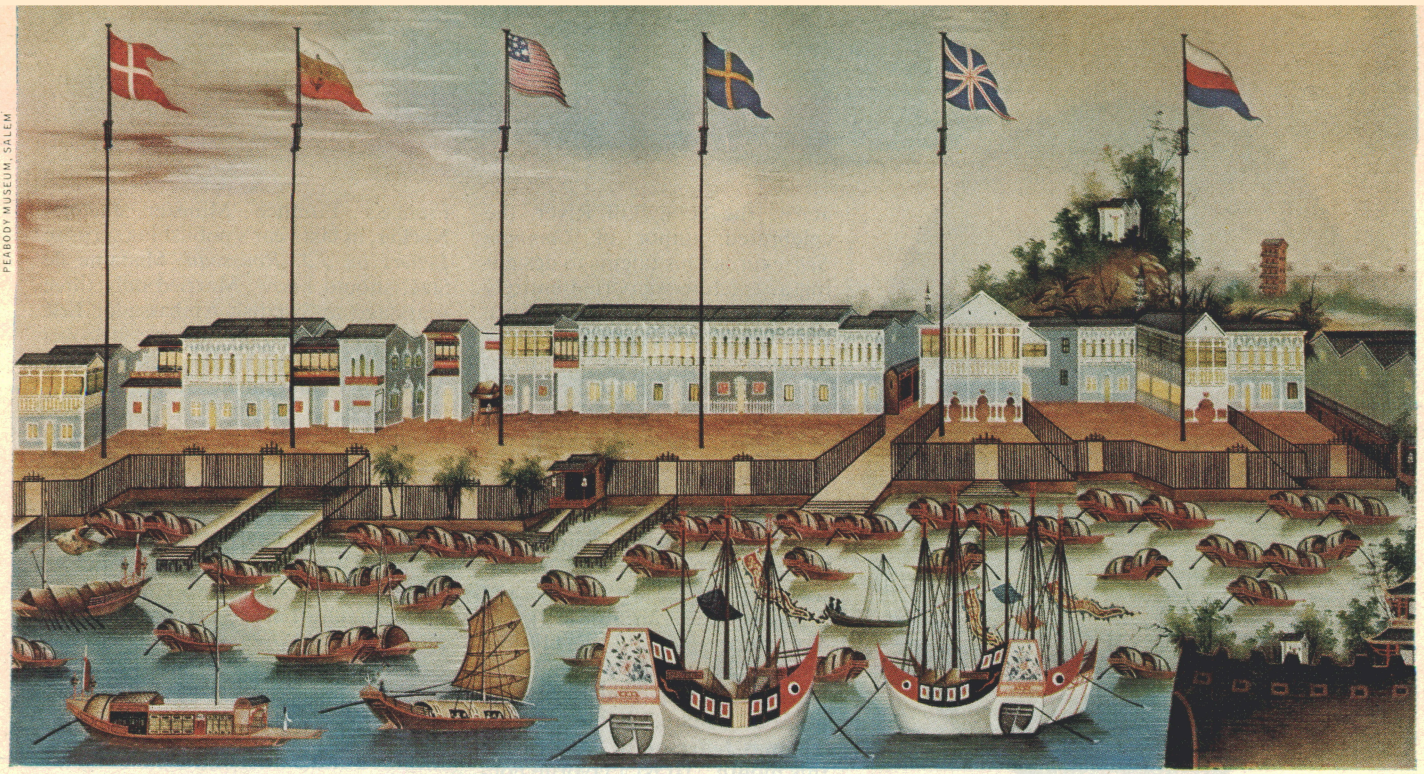
Fire is an ever-present menace in America's cities, where houses heated by open fireplaces crowd together along some of the more populous streets. Last year's New Orleans fire alone destroyed some 856 buildings and devastated 80 percent of the port. To combat this annual loss of life and property, most cities now boast at least one volunteer fire-fighting company, while Philadelphia has 23 (each identified by its own hatband). Equipped with hand-drawn pumping engines, plus leather buckets to haul water for the pumps, these companies respond quickly when alarms are raised by watchmen cranking their ratchets.

In an effort to reduce the financial losses from fire, an increasing number of property owners are copying the English example and making advance payments—known as insurance—to companies organized to reimburse them. The system was pioneered in this country in Philadelphia, where the Philadelphia Contributionship was founded 37 years ago. It charges its subscribers a premium that varies from a low of 1.5 to 2.25 percent of "surveyed" evaluation on private houses to 4 percent or more on "dangerous" buildings, such as malthouses and paint stores. The company places a plaque or "firemark" bearing four clasped hands on its buildings to show that they are insured. It also sets strict standards for those buildings it covers. As long ago as 1769, it decided to stop insuring structures made of wood. Since most fires start around chimneys, the company refuses to insure houses that do not provide internal access to the roof and railings to protect firemen from falling off.

One such restriction spurred the formation of a competing company. When the Contributionship declined to insure any homes that had trees near them, a group of tree-loving homeowners left to form the Mutual Assurance Company in 1784, which, appropriately, identifies its buildings with the firemark of a tree.



Long unique to Philadelphia, fire-insurance companies are currently springing up elsewhere. Two years ago, Alexander Hamilton helped form the first such firm in New York. Another has been chartered in Baltimore. But none exists in Boston, whose officials say they do not consider insurance to "the advantage of the town."



PEABODY MUSEUM, SALEM

CHINESE EMPEROR PERMITS WESTERN TRADING SHIPS ONLY AT THIS ROW OF WAREHOUSES AT WHAMPOA ANCHORAGE
But the palace promised to "imitate the clemency of Heaven, which tolerates all sorts of fools."

Justicians, and Regents of all good cities and places." He also brought some mechanical toys as a gift to win the favor of the Manchu Emperor Ch'ien Lung. The monarch was not amused. Said he, by means of low-ranking courtiers: "Our Empire produces all that we ourselves need. Your mechanical toys do not interest me in the least. But since our tea, rhubarb and silk seem to be necessary to the very existence of the barbarous western people, we will, imitating the clemency of Heaven which tolerates all sorts of fools on the globe, condescend to allow a limited amount of trading through the port of Canton."

All western traders (Shaw observed 45 European vessels) are strictly limited by Chinese law. They must be searched by customs officials before entering the Whampoa Anchorage. There, they are restricted to a row of slant-roofed warehouses in an area about one-quarter mile square. They cannot even trade directly in Chinese markets. They must deal through one of the 13 Chinese *hongs*, firms that pay the imperial government for the right to handle all transactions with foreign nations or companies. Within those stringent rules, however, the Chinese cordially welcomed Shaw and his fellow Americans as the equal of any other barbarians. Recalled Shaw: "We were treated by them in all respects as citizens of a free and independent nation. They styled us 'The New People.' "

Despite all the problems—including reports of bloodthirsty Chinese bandits—Shaw managed in four months not only to sell all his furs and ginseng roots but to buy and load 23 tons of tea, 1.4 tons of cinnamon, 64 tons of chinaware, 32 tons of silk and 1.6 tons of nankeen cotton. On his return to New York, where he received a percentage commission, Shaw reported that the 15-month voyage had made a profit of 30,727 dollars, or 25 percent. One purpose of the voyage, declared Entrepreneur Morris, was "to encourage others in the adventurous pursuit of commerce." In that, too, the *Empress* was a success. Within a year, five more ships had sailed from New York, Philadelphia and Salem to win the riches of Cathay. Aboard one of them, the *Hope*, was Samuel Shaw.

Arriving once again in Canton, Shaw carried a document from Congress making him the first U.S. consul in China—without, as the document noted, "being entitled to receive any salary, fees, or emoluments whatsoever." Except for the British, the foreigners confined at Whampoa welcomed the Americans warmly. At a dinner given by the Portuguese, in a room decorated with bird cages, the hosts raised their glasses and cried, *"Liberta!"*—at which the bird-cage doors popped open, and the liberated birds swooped about the table.

In three years as consul, Shaw sent home valuable reports on major changes in Canton prices. As hundreds of tons of ginseng root arrived from America, for example, the price dropped from an incredible 400 dollars per ounce to 1 dollar a pound. At the same time, prices on most kinds of tea have increased by 40 percent since 1784. Reported Shaw: "Such is the demand for the article that the Chinese hardly know how much to ask for it." (The new rates undoubtedly will not hold, however, since American warehouses are beginning to bulge with imported tea.) Because of the decline in ginseng prices, western merchants have shifted more and more to furs. Traders have been buying otter and beaver hides from Indians on the northwest Pacific coast for as little as 6 pence each and selling them in Canton for 30 guineas. To take further advantage of all these possibilities, Shaw returned home in July to assume command of the *Massachusetts*.

■ ■ ■

Other merchants are already exploiting the opportunities of the Orient. Among the most enterprising is Elias Hasket Derby, 50, the Salem shipowner whose fleet of 85 coastal privateers captured 114 British vessels during the war. After the war, Derby was the first to send American merchant vessels beyond the Atlantic shores to which British prewar restrictions had limited them. His *Light Horse* was the first to reach St. Petersburg (in 1784) and his *Grand Turk* the first to reach Cape Town (1785). Having made a profit of 100 percent from the *Grand Turk's* voyage, Derby sent her eastward again later in 1785, and yet again in 1787, this time under the command of Elias Hasket Derby Jr., 22, a stripling newly graduated from Harvard. Young Derby soon proved himself worthy of the family name. Arriving with a 28,000-dollar cargo at Ile de France, a nautical crossroads some 500 miles east of Madagascar, he sold not only his cargo but the *Grand Turk* as well (for 13,000 dollars, twice her Salem valuation), then bought two more ships, sailed them to Bombay, loaded them with cotton, sent one back to Salem, and is still criss-crossing the Indian Ocean in the other. Whether he plans to go to Canton is not known, but four other ships trailing the blue pennant of Derby are on their way there, as are eleven others that also fly the Stars and Stripes.

HENRY E. HUNTINGTON LIBRARY AND ART GALLERY, SAN MARINO, CALIF.

MARIA COSWAY, PAINTED BY HUSBAND

"Pray write, pray write, and don't go to America without coming to England." **Thomas Jefferson,** 46, returning home from Paris next month, must have been touched by that appeal from his sometime friend **Maria Cosway,** 30, the attractive miniaturist and London hostess. (Her husband **Richard,** celebrated as a painter, is said to create pornographic snuffboxes for the rakish friends of the Prince of Wales.) On first meeting Mrs. Cosway in Paris three years ago, Jefferson warmly praised her "beauty and that softness of disposition which is the ornament of her sex." A widower since 1782, Jefferson treated her to ecstatic outbursts of poetry ("I mourn/ I sigh/ I burn . . ."), but after she returned to London, he wrote her an impassioned dialogue between his heart and his head, in which his head argued successfully for separation. As Jefferson prepared for sailing, together with Daughters Patsy, 17, and Polly, 11, and Slave Sally Hemings, his affections still seemed ambiguous. He wrote to Mrs. Cosway to say he could not come to London, but added: "The ensuing spring might give us a meeting at Paris with the first swallow. Remember me and love me."

■

Persuasive Pamphleteer **Thomas Paine,** 52, may have harangued thousands of people into fighting for American independence, but he has yet to persuade a patron to approve his favorite creation: an iron bridge. Fully three years ago, when Philadelphians were first considering a 400-foot wooden bridge to replace the ferry across the Schuylkill River, the celebrated author of *Common Sense* turned his talents to designing a structure supported entirely by crisscrossed iron girders. Since the city authorities kept delaying a decision, Paine took a 13-foot model of his bridge to France to win the approval of the Academy of Sciences. The academicians declared the iron bridge "ingeniously imagined," but nobody in power was prepared to install such a construction across the Seine. Undaunted, Paine returned to his native England last year and arranged with an ironworks in Yorkshire to build a 110-foot model. "I am looking out for a place to erect my bridge [perhaps in] Soho Square," Paine wrote to **Thomas Jefferson** in Paris earlier this month. "[It is] a favorite hobbyhorse with all who have seen it."

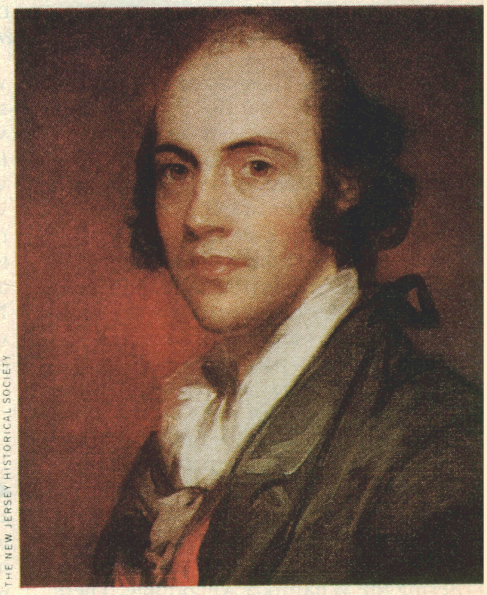
■

The law is "whatever is boldly asserted and plausibly maintained." That highly flexible approach has been of good service to **Aaron Burr,** 33, onetime hero of the Battle of Kips Bay and lately the richest attorney in New York (estimated income: 10,000 dollars annually). Last week Burr won a broad new field for his talents at legal skirmishing —the office of Attorney General of New York. His main task: to disentangle hundreds of still unsettled wartime property claims and counterclaims. His goal: a seat in Congress.

■

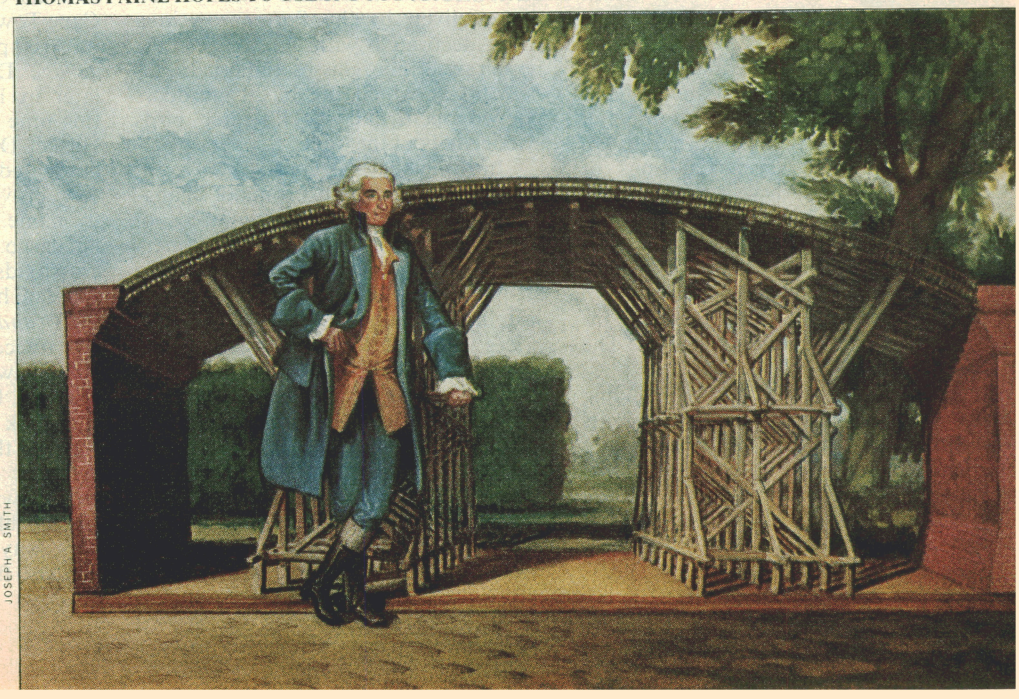
"The men, with their bizarre principles, wait until a woman is married before they speak to her of love. At that point, everything changes . . ." So wrote **Baroness Germaine Necker de Staël,** 23, intellectually hedonistic daughter of France's Finance Minister **Jacques Necker,** in last year's publishing surprise *Letters on J.J. Rousseau.* Madame de Staël should know. Married only three years ago to Swedish Ambassador **Eric de Staël-Holstein,** she now presides over the liveliest salon in Paris. New York Attorney **Gouverneur Morris** visits often and describes her as "a woman of wonderful wit, and above prejudices of every kind." How true. No sooner had Madame de Staël ended her intimate friendship last year with **Charles de Talleyrand-Périgord,** 35, newly named Bishop of Autun, than she began an even more intense liaison with **Comte Louis de Narbonne-Lara,** 33, rumored son of **King Louis XV,** possibly by Louis' own daughter, **Madame Adelaide.** Baron de Staël is apparently not so liberated as his wife. After learning that she had spent

AARON BURR BY GILBERT STUART



THE NEW JERSEY HISTORICAL SOCIETY

THOMAS PAINE HOPES TO USE 13-FOOT MODEL TO SELL NEW DESIGN FOR BRIDGE



JOSEPH A. SMITH

twelve hours tête à tête with Narbonne-Lara, he tried to bar the comte from his house. Thus challenged, the usually witty Madame de Staël turned solemn. Said she: "I have a great deal of friendship for Monsieur de N., but nothing of what you say about him is true."

■

Attempted rape? By Kontradmiral Pavel Ivanovich Jones? And against a 10-year-old girl? The admiral, better known in America as **John Paul Jones,** heroic captain of the *Bonhomme Richard,* strenuously denies the police charge as "an imposture." But he does admit that the dairymaid named Katerina Goltzwart often came to his apartment in St. Petersburg, that he liked to *"badiner"* (joke) with her and "always gave her money." Jones, 42, seems to have been under some kind of curse ever since he arrived in Russia last year to take command of **Empress Catherine's** Black Sea fleet in her war against the Turks (*see* THE WORLD). Denied any authority, Jones eventually quarreled with Catherine's favorite, **Prince Potemkin,** and some diplomats suspect political reasons for the farfetched rape charge. Jones had to conduct delicate negotiations to get the Russian Admiralty to drop its threat of a court-martial. Granted a "leave" by Catherine, he departed for Warsaw, where he is looking for new employment—possibly with the Swedish fleet fighting against Catherine's Baltic navy.

■

Louise Elisabeth Vigée-Le Brun, 34, who in her decade as a court painter has finished 30 portraits of France's **Queen Marie Antoinette,** plans to start this month on a slightly older and less aristocratic subject: Jeanne Bécu, **Comtesse du Barry,** 46, disgraced mistress of the late **King Louis XV.** Madame Vigée-Le Brun says she is terrified of the increasing political violence in Paris and "can think of nothing but leaving the country." Madame du Barry's judgment of the crisis: "If Louis XV had been alive, nothing like this would have happened."

■

Traitor **Benedict Arnold** received far more than 30 pieces of silver for his attempt to betray West Point: an outright payment of £6,000 and a lifelong pension of £500 for his wife Peggy. But London officials have rejected all his requests for a military command in India—not to mention his yearned-for peerage—so the retired colonel, now 48, has brought his wife and three children to live among his fellow exiles in St. John, New Brunswick. As a trader in West Indian sugar and rum, he has found his profits so far meager (a fire swept his warehouse). Still quick to take offense and quick to make enemies, Arnold filed a slander suit against a business partner who accused him of having started the warehouse fire. A jury agreed that he had been insulted but assessed the damage to his tattered honor at only 20 shillings.

■

A cynical old nobleman, two proud army officers, their beautiful fiancées —those are the unnamed but real characters in a story being whispered all over Vienna this season. When the officers boasted of their future brides' unconquerable loyalty, the old nobleman offered to bet 1,000 sovereigns (6,453 dollars) that he could demonstrate how each of them could seduce the other one's fiancée within 24 hours. All they had to do was to follow his instructions, disguise themselves as Albanian aristocrats arriving for a visit, and . . . he won his wager. The story so amused **Emperor Joseph II** that he commissioned Composer **Wolfgang Amadeus Mozart** to turn it into an opera. Aging *Wunderkind* Mozart, 33, has been having financial difficulties since his gloomy *Don Giovanni* received poor notices and closed after 15 performances last year, but the Emperor still favors his lighter works. Planned title for the new opera: *Cosi Fan Tutte* (translation: All Women Do It).

EDWARD VEBELL

JOHN PAUL JONES AS WARTIME CAPTAIN

VIGEE-LE BRUN SELF-PORTRAIT WITH CHILD

Ailing with gout and gallstones at 83, Elder Statesman **Benjamin Franklin** tells friends that he has written a bicentennial codicil to his will. Recalling his need for loans as a youth, he leaves 4,500 dollars each to Philadelphia and Boston and asks them to lend sums to "young married artificers, under the age of 25," who seem of good moral character. Each borrower should pay 5 percent interest, and as soon as any money is repaid, it should be lent out again. At the end of 100 years, he estimates, the fund will amount to 589,500 dollars; the cities are to devote 450,000 dollars to public works and the rest to further loans. At the end of 200 years, he continues, the fund should amount to 18,274,500 dollars. That sum can be turned over to public authorities because Franklin is "not presuming to carry my views further."

■

Should auld acquaintance be
forgot,
And never thought upon?
Let's hae a waught o' Malaga
For auld lang syne.

Those strange syllables are the first lines of a Scottish folk song that Poet **Robert Burns** says he "took down from an old man's singing." Burns, 30, the rustic who startled Edinburgh three years ago with his first collection of poems *(To a Mouse, The Cotter's Saturday Night),* returned to the countryside earlier this year to collect and revise as many country ditties as he could find. But to support his wife and two sons (the second born last month), Burns has won a post as exciseman in Dumfries. For £50 a year, the poet rides over 200 miles every week to collect duties and make sure that his neighbors are not smuggling whisky.

'Our King Is Mad'

"He passed thro' a stage of profound melancholy; but this has at length dissipated, and he is at present perfectly re-established. He talks now as much as ever, on the same trifling subjects." United States Minister Thomas Jefferson recently wrote that account of the present condition of King George III, who was so insane at the beginning of the year that Parliament was on the verge of making his oldest son regent. George's sudden and largely unexplained recovery has ended proposals that he be deposed, but it also raises new questions on the proper treatment of the insane.

The King's illness seemed simple at the start. When he first suffered an intestinal attack in June of 1788, his physician, Sir George Baker, sent him to the resort of Cheltenham, where the monarch took three half-pint glasses of the spa's purgative water every day. The King enjoyed a temporary improvement, but in the fall he developed a fever and swollen feet, accompanied by what Baker described as "a most furious passion of anger . . . an agitation of the spirits nearly bordering on delirium." Normally a sedate paterfamilias, the King reportedly ranted indecencies about at least one of the ladies of the court. Even after his almost fatal physical crisis passed in November, George's mind remained so disordered that Dr. Richard Warren, London's busiest society doctor, said simply, "Our King is mad."

Dr. Warren, who had been hired by the power-hungry Prince of Wales, was only one of seven doctors who tried their various remedies for the King's madness. They blistered him on the feet and bled him with leeches in an attempt to draw out the humors, or poisonous fluids, responsible for his ravings. They also restrained the King by sheeting, or swaddling in linens.

When none of these treatments brought any improvement, the doctors called in Francis Willis, 71, a medically trained clergyman and keeper of a madhouse in Lincolnshire. Willis believes less in blistering than in dominating the patient's spirit, partly by means of his glittering eye. On his first meeting with the King, he told George that his mind was deranged and that he must cooperate. When the King refused to eat, he was tied to his bed. But despite such constraints, the King was also given a certain amount of freedom. Willis allowed the monarch to shave himself with a razor and to walk in the palace gardens. He also fed him a substance in which he has great confidence: tartar emetic administered with whey, asses' milk or bread and butter.

Willis' way seems to have ended what the King now calls "my tedious illness." It implies that the traditional practice of chaining and imprisoning lunatics may not be the best treatment. Dr. Jacques René Tenon, surgeon-in-chief at Paris' Salpêtrière Hospital, feels that restraint should be used only when absolutely necessary; otherwise, he urges, the insane should be given as much freedom as possible. His arguments are supported by Vincenzo Chiarugi, of the newly built St. Bonifacio Hospital in Florence, who has forbidden attendants to provoke, mistreat or take advantage of the patients in any way. Says Chiarugi: "It is a supreme moral duty and medical obligation to respect the insane individual as a person."

But what should actually be done to cure the insane? Medical opinion still differs widely. In America, where there are as yet only two hospitals that care for maniacs (in Philadelphia and Williamsburg), the most advanced treatment is administered by Edinburgh-trained Dr. Benjamin Rush of the Pennsylvania Hospital. Dr. Rush, former member of the Continental Congress and surgeon general in the Army, has been working with the insane at the hospital for the past two years and believes that mental disorders derive from anomalies in the blood vessels serving the brain. To remedy such imbalances, he prescribes a wide variety of antidotes, including emetics, bleeding, warm and cold baths. One visiting clergyman recently toured the Pennsylvania Hospital with Rush and later wrote: "Some of the maniacs were extremely fierce and raving. This would have been a melancholy scene indeed had it not been that there was every possible relief afforded them in the power of man."

THE SIR JOHN SOANES MUSEUM

WILLIAM HOGARTH'S *RAKE'S PROGRESS* SHOWS INSANE IN BEDLAM
Chaining may not be the best treatment, after all.

'Cut Away—Deeper!'

The President's left thigh is finally healed. The surgical wound stopped draining two weeks ago, and the operation performed last June by Dr. Samuel Bard can be considered a success.

As New York's most eminent physician, Dr. Bard had been called in to examine what Washington described as "a very large and painful tumor on the protuberance of my thigh." When Bard first went to see the President at his handsome three-story mansion on Cherry Street, the road outside was chained off and covered with straw to spare the invalid from disturbing noise. The doctor found him suffering from a carbuncle 4 inches in diameter and "so malignant as to threaten mortification." He urged an immediate operation.

The recommendation was not to be taken lightly. Since doctors have not yet found a means of producing physical insensibility, they can dull the patient's agony only by whisky or laudanum (which can cause dangerous vomiting), or sometimes tourniquets (which can cut off the blood supply). Ultimately, they must rely on the strength of two or more assistants to hold down the strapped patient. And speed. One English doctor, William Cheselden, boasts that he can remove a bladder stone within 54 seconds. If any operation is too complex to be finished within 20 minutes, the patient usually dies of shock.

Washington's operation was not that serious, and the President relied only on inner fortitude. Said he: "I know that I am in the hands of a good Providence." It was Dr. Bard, instead, who felt weak. Less a surgeon than a general practitioner, Bard had actually fainted after witnessing his first operation as a student. This time he called in his father, Dr. John Bard, 74, for consultation. Dr. John had made surgery his specialty, though he no longer trusted the steadiness of his aging hands. When the son's hand faltered at a crucial point, the father told him brusquely: "Cut away —deeper—deeper still! Don't be afraid. You see how well he bears it." Cutting deeper, the younger Bard excised all the infected tissue.

Dr. Sam had been well trained. He attended King's College in New York and then studied three years at Edinburgh University. That filled him with an ambition to establish the first medical college in his own home town. Joining with five other young, European-trained doctors, he petitioned King's College to institute a medical school. The request was granted, and in 1769 Dr. Sam Bard addressed the first graduating class (all eleven of them) with a plea for a hospital for the poor. Said he: "Its good effects would extend to every rank" since "every country has its particular diseases [which] can properly be learned only in public hospitals where having a number of sick affords the best means of properly instructing pupils in the practice of medicine." The assembled company promptly pledged £1,000, and the cornerstone for the New York Hospital was laid near Broadway in September of 1773.

Bard has had his share of personal grief: despite his skills, he lost three of his five children—two of them in one night—during the scarlatina epidemic that swept New York six years ago. To console his wife, he closed his practice and took her to the small religious community of New London, Pennsylvania; they stayed there for a winter, devoting themselves to prayer.

Today, at 47, Dr. Bard continues to work tirelessly. He rises at 5 a.m. to prepare his lectures at the medical college he helped found, where he is now professor of the theory and practice of medicine, and then he tends to his private rounds. On the rare occasions when he finds a few idle moments, he takes a quick nap. Evenings are reserved for the social gatherings that bring New York's most distinguished intellectuals to his house at 45 Broad Street.

Bard's own distinction is manifest. Last year, when mobs were incited to riot by reports of doctors robbing graves for corpses to dissect, most doctors fled or took refuge in the city's jail. Not Dr. Bard. When a crowd converged on his house, he flung open the curtains. The mob marveled at his calm demeanor and went sheepishly away.

What the Language Is

"I am just beginning to make a bustle," wrote Noah Webster, itinerant schoolmaster, editor, writer, attorney, and sometime teacher of singing. "I am diffusing useful knowledge and supporting the honour of New England."

Despite that characteristically swaggering tone, Webster was being almost too modest. In fact, red-haired, ruddy-faced Pedagogue Webster, 30, has been bustling around the country with great effect, constantly revising and selling new versions of his various works on spelling and grammar. Last week, when Massachusetts Publisher Isaiah Thomas sent to press a newly illustrated edition of Webster's highly popular *American Spelling Book* (144 pages; 7 pence), the author could boast of 20 editions and sales estimated at about 100,000 copies. More important, he has won widespread support for his argument that Americans should develop their own language. Says he: "America must be as independent in literature as she is in politics, as famous for arts as for arms."

When farm-born Noah Webster went to common school in the '60s, he and most other American children learned their language lessons from Thomas Dilworth's *New Guide to the English Tongue,* first published in London in 1740. Not only was it relentlessly religious (opening verse: "No man may put off the law of God,/ The way of God is no ill way . . ."), but it was just as relentlessly insular, with long lists of British place names. After graduating from Yale ('78) and drifting through four different teaching jobs by the time he was 24, Webster tried revising Dilworth. Said the impudent reviser: "One half of the work is totally useless, and the other half, defective and erroneous."

Webster's speller also included religious verse but added a collection of homely proverbs ("He that lies down with dogs must rise up with fleas"). Instead of emphasizing places situated in England, he shifted the focus to his native Connecticut. Another interesting novelty was that Webster put a number over each vowel so that students could easily differentiate between, for example, *hāte* and *hăt*. His purpose: to abolish regional variations and create a standard pronunciation. (Not yet having traveled far from Hartford, he used the Connecticut accent as his standard.) He disapproves not only such Cockneyisms as *parson* for *person* but also the New Englander's *keow* and the Marylander's *oncet* and *twicet*.

It took Webster several months before he could persuade the Hartford firm of Hudson & Goodwin to publish 5,000 copies of the speller in the fall of 1783. One problem: outside of Connecticut, where the first copyright law had been passed earlier that year, most states had no regulations to protect publishers and writers from piracy. Eager to change that, Webster set forth on a tour of the nation to argue the case for copyright laws, to distribute samples of his work, and to lecture on his ideas for universal education and a national speech. (The lectures were published earlier this year as *Dissertations on the English Language.)* Sometimes he was roughly abused (one critic called his work "inaccurate, inelegant and bombastick"), and once even stoned. Sometimes he was dismayed by the depths of provincial ignorance (his view of Maryland: "O New England! how superior are thy inhabitants in morals, literature, civility and industry"). But though he is a frail man, Webster has a jutting jaw and an energetic step. He persisted.

NEW YORK PUBLIC LIBRARY; NEW-YORK HISTORICAL SOCIETY

PORTRAIT OF WEBSTER IN HIS SPELLER
Making a bustle.

Webster's spelling book was actually planned as only the beginning of a larger work that he portentously entitled *A Grammatical Institute of the English Language, Comprising an Easy, Concise and Systematic Method of Education, Designed for the Use of English Schools in America. In Three Parts.* The volume on grammar, widely known simply as *Webster's Second Part,* first appeared in 1784 and attacked the "stupid opinion" that Americans should "speak by Latin rules." Said Webster: "It is our business to find what the English language *is,* and not how it *might have been made."* As his third volume, "to improve the minds and refine the taste of youth," Webster provided students

with the first collection of important American texts: the Declaration of Independence, Washington's farewell orders to the Army, poems by Philip Freneau.

Webster has repeatedly revised these books, adding moral tales like *The Boy That Stole Apples* to his spelling book, as well as frontispiece portraits of himself, but throughout all his work there runs the thesis that the Americans' language should and inevitably will diverge from that of their former rulers. Americans have already adopted, for example, a number of Indian words—*moccasin, squash, raccoon.* Other words have come from continental settlers like the Dutch—*scow, sleigh, stoop.*

Even when using English words, the two nations are moving apart in pronunciation *(see box)* or in meaning. A Boston youth who recently advertised for "a place in a store" would ask in London for "a position in a shop." When Thomas Jefferson used the new word *belittle,* a London critic squealed that such a transformation of an adjective into a verb was "trampling upon the very grammar of our language." Webster argues just as sharply that "Great Britain should no longer be our standard," and that "a sameness of pronunciation is of considerable consequence in a political view"—*i.e.,* it unites all people who use it.

Despite his increasing influence, Webster remains personally unanchored, without regular employment or income. His last venture, founding and editing the *American Magazine,* lasted just a year and added 1,125 dollars to his already considerable debts. Surveying his prospects, he concluded: "Thirty years of my life gone—a large portion of the ordinary age of man! I have read much, written much, and tried to do much good, but with little advantage to myself." Moving back to Hartford last May, he opened a law office, rented a friend's new house, and borrowed 1,000 dollars from yet another friend to buy furniture. To this latter friend, he has written: "I wish for a home, I wish for a companion. To these considerations I may add that marriage makes a man a more respectable citizen, it gives him credit and business." The companion in question is the creditor's sister, Rebecca Greenleaf, daughter of the former sheriff of Boston's Suffolk County. Webster expects to marry her in Boston next month. That will be a great leap, which, Webster warns, should never be pronounced in the English fashion, *lep.*

How to Pronounce It

Noah Webster proposes two basic rules for pronunciation: 1) that similarly spelled words should be similarly pronounced and 2) that general practice should be generally accepted. Sometimes, however, the two rules are in conflict. Examples:

▸ *Hear* is spelled like *fear,* but in the past tense, the pronunciation has been changing. Says Webster: "In the fashionable world, *heard* is pronounced *herd* or *hurd.* This was almost unknown in America till the commencement of the late war . . . To most people in this country, the English pronunciation appears like affectation, and is adopted only in the capital towns, which are always the most ready to distinguish themselves by an imitation of foreign customs. Analogy requires that we should retain our former practice"—*i.e., heerd.*

▸ *Deaf* is spelled much like *hear* but another change has begun. Webster: "*Deaf* is generally pronounced *deef.* It is the universal practice in the eastern states; and it is general in the middle and southern; though some have adopted the English pronunciation *def.* The latter is evidently a corruption; for the word is an analogy with *leaf* and *sheaf,* and has been from time immemorial."

▸ *Beard* contains the same vowels as *hear* and *deaf,* but here the analogy does not apply. Webster: "*Beard* is sometimes, but erroneously, pronounced *beerd.* General practice, both in England and America, requires that *e* should be pronounced as in *were* [*i.e.,* to rhyme with *bear*], and I know of no rule opposed to the practice."

▸ *Wound,* similarly, brings a conflict between theory and practice. Webster inveighs at length against "the modern pronunciation of *wound.* I say modern; for in America *woond* is a recent innovation. The spelling has uniformly corresponded with *bound, found,* and if we may judge from the rhimes of our poets, the pronunciation has also been analogous . . . Shall we then relinquish what every man must acknowledge to be *right,* to embrace the corruptions of a foreign court and stage? But it is said that *woond* is softer than *wound,* and therefore more agreeable. Suppose the assertion to be true, will it follow that the softest pronunciation should be preferred? There are many words in our language, the sounds of which were borrowed from the sensible objects, the ideas of which they are designed to express. Such are the *dashing* of waters, the *crackling* of burning faggots, the *hissing* of serpents. On the supposition, therefore, that *woond* is the softer pronunciation, this is a good reason why it should *not* be adopted; for the idea it conveys is extremely disagreeable, and much better represented by a harsh word."

Anglicans Reborn

When the Church of England clerics who now call themselves "Episcopalians" gathered in Philadelphia in July to rebuild their war-wrecked organization, two of the group's three bishops refused even to attend. Said the Right Reverend Samuel Seabury of Connecticut, a former British army chaplain whose rise to the episcopacy is still being challenged: "While Bishop Provoost disputes the validity of my consecration, I can take no steps toward the accomplishment of [this] great and desirable object" of church unity. Said the Right Reverend Samuel Provoost of New York, a stout supporter of American independence: "I have been indisposed for some days past with a constant fever and violent migraine." This week 38 Episcopal priests and laymen return to Philadelphia to try again.

The struggle for renewal has been complex. Until the war, of course, the Church of England had no bishops in America at all. The Society for the Propagation of the Gospel sent overseas and supported a small army of missionary priests, and they remained under the rule of the Bishop of London. Indeed, the very possibility of any American bishops would have angered dissenters, who could recall their own persecution. As Cotton Mather had declared: "Let all mankind know that we came into the wilderness because we would worship God without that Episcopacy, that Common Prayer, and those unwarrantable ceremonies with which the land of our forefathers' sepulchres has been defiled." The war not only swept away such controversies but nearly swept away the church. Of its 250 American priests, all of whom had once taken an oath of allegiance to the King as part of their ordination, fewer than 100 remained —leaderless, disorganized, and deprived of their regular income. In 1782 the Reverend William White of Philadelphia proposed that the Anglicans organize an American church, name their own bishops, and admit laymen to a governing General Convention.

Before anyone had approved White's overall plan, however, the Connecticut clergy nominated the eloquent Samuel Seabury as its own bishop. Son of a clergyman-physician, Seabury studied at both Yale and Edinburgh. He occasionally doubted his vocation ("I find it very difficult to convince people that religion is a matter of any importance") but never his political loyalty (the Revolution appeared "unwarrantable and nefarious," to be settled by the God "who stilleth the raging of the sea and the madness of the people"). Armed with his supporters' nomination, Seabury got to England by serving as a chaplain for homeward-bound troops—only to find

TRINITY COLLEGE, HARTFORD

EPISCOPAL BISHOP SAMUEL SEABURY: WHO STILLETH THE RAGING OF THE SEA?

that he could not be consecrated in the state church because he had no political endorsement from the United States. Parliament eventually passed a special law in 1786 temporarily permitting overseas bishops, and Provoost and White were consecrated in London the following year.

While the Anglican survivors in the United States began reorganizing themselves on a basis of state-by-state autonomy, the Book of Common Prayer also needed to be revised. Prayers for the King had to be eliminated, for example, and once the revisers started to work, they began questioning everything. Said Revision Committee Chairman William Smith: "It appeared almost sacrilege to approach the porch or lift a hand to touch a single point, to polish a single corner, or to clear it from its rust of years." Among the famous texts abolished: the Athanasian Creed ("Whosoever earnestly desires to be saved must above all hold the Catholic Faith . . .") and the Nicene Creed ("I believe in one God the Father Almighty, Maker of heaven and earth . . ."). The committee's drastic decision brought protests from the British clergy and from traditionalists like Seabury.

Both factions will have to compromise if this week's meeting is to accomplish anything, and the indications are that they will. Both sides are expected to agree on a new constitution providing for a triennial Convention as the supreme body of the church. Seabury's enemies are expected to concede the legitimacy of his consecration, but Seabury will have to agree to the controversial inclusion of laymen in the governing Convention. In the revised prayer book, the Nicene Creed will probably be restored, and some other disputed texts will be made optional. The result, says one battle-weary churchman, is to be "examined by every sincere Christian with a meek, candid, and charitable frame of mind."

A New Primate

The need for new leadership has also been afflicting America's relatively small (25,000 members) Roman Catholic community. Pope Pius VI is expected to announce soon the appointment of the first Catholic bishop in the United States. He is kindly, erudite ex-Jesuit John Carroll, 54, who was chosen for that honor by a highly unusual vote of his fellow clerics last May. He is planning to establish the first episcopal see in Baltimore.

Aside from the egalitarianism of many American religious groups, the absence of bishops derives largely from the fact that American Catholics are few in number and live in fear of public prejudice (New York and New Jersey bar them from public office, and only five states grant them equal rights). Until the war, Bishop Richard Challoner of London ruled over American Catholics with the title of vicar apostolic, and the Vatican has long delayed the formulation of any clear policy on a successor. When Rome asked Congress for its views, the legislators warily responded that such a question, "being purely spiritual, is without the jurisdiction and powers of Congress." As an interim step, in 1784, the Pope designated Father Carroll as prefect apostolic.

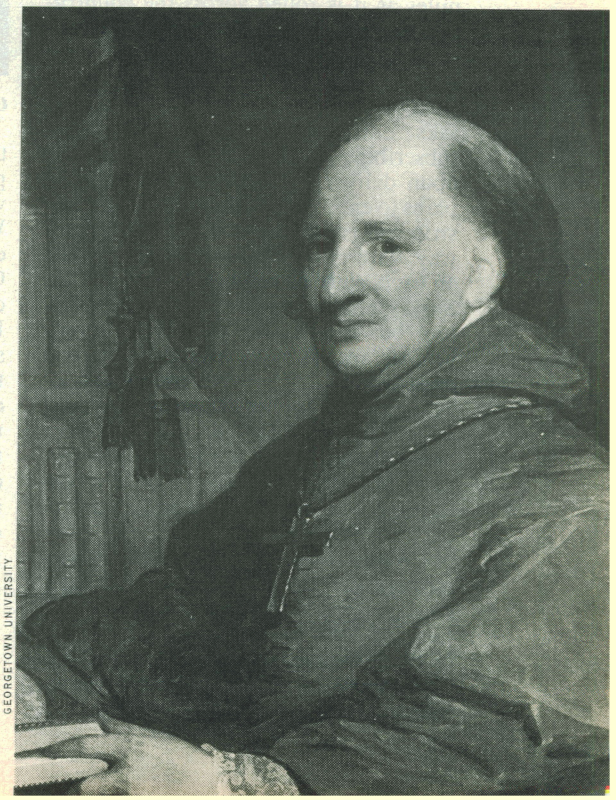
He is a member of a distinguished Maryland family; his cousin, Charles Carroll of Carrollton, was a signer of the Declaration of Independence. John Carroll went abroad to study in Flanders, was ordained in 1769 and served as a Jesuit teacher in Liége until that group was suppressed by order of the Vatican in 1773. Returning to Baltimore, he accompanied Benjamin Franklin in the ill-fated 1776 effort to persuade Canadians to join the Revolution. When Franklin fell gravely ill on the journey, Carroll helped nurse him back to health, winning a gratitude that Franklin later displayed in recommending Carroll to the Vatican for promotion.

Tactful and moderate, Father Carroll stressed to Rome the increasingly enfeebled condition of the church (of the mere two dozen Catholic priests in the United States, two are over 70 and three are nearly that age). But his rank of prefect gave him little authority to solve substantial problems. When New York Catholics needed a priest, for example, they sent to Ireland for one, did not like the newcomer, sent for a replacement, then found that the first man would not leave. Carroll's attempt to suspend both priests ended in physical clashes between rival factions. At St. Mary's in Philadelphia, too, quarrels divided Irish priests from German parishioners, who sought a church of their own.

Last year the clergy finally petitioned Rome for the right to elect a bishop for themselves. The surprised Pope agreed, adding that he was permitting this novel procedure "as a special favor." Carroll was easily elected, in a meeting at the formerly Jesuit Whitemarsh plantation just west of Annapolis, by a vote of 24 to 2.

The prospective bishop has already told a friend that he deserves commiseration rather than congratulations. That is only a modest way of saying that his church faces serious problems: declining membership, a shortage of priests, lack of money. These problems no longer are caused mainly by persecution—last week's Bill of Rights will help to reduce that—but rather by the increasing spread of rationalism about the universe and skepticism about old faiths.

FATHER CARROLL BY GILBERT STUART



GEORGETOWN UNIVERSITY

Surveying the Wilds

Narrow is the way, and few there be that find it. The biblical injunction might without blasphemy be applied to the 3,000 miles of roads and trails that snake across the United States. In the wilderness of the west, they are often no more than forest paths, ill-marked by a series of blazed trees. In the more cultivated east, the traveling merchant who manages to discover the right route may encounter other difficulties—as at Annapolis, where farmers have fenced off many public thoroughfares to use the land for their cattle to graze. Warns newly appointed Postmaster General Samuel Osgood: "The General Post Office [will be] subject to many inconveniences for the want of a survey and map of the roads in the United States."

One man who is prepared to attack that problem—as he seems prepared to attack almost any problem that anyone can think of—is a tiny (110 pounds) Dublin-born leprechaun. He is Christopher Colles, 50, previously notable for his construction of a steam-powered water system in New York (TIME, July 4, 1776), which fell into ruins under the British occupation. Colles' latest broadside announces the forthcoming publication of *A Survey of the Roads of the United States of America,* a still unfinished collection of 80-odd maps that is expected to chart every main road between Albany, New York, and Williamsburg, Virginia.

To measure all the distances, Colles applied to Congress last month for exclusive rights to a device he has invented, a calibrated wheel that records the miles as it is rolled across the countryside (similar devices, known as "perambulators," have been used in Europe for some years). Once Colles has raised enough subscriptions (his prospectus asks "one quarter dollar at the time of subscribing and one eighth of a dollar upon delivery of every six pages"), he plans to engrave his maps in strips. Each strip will represent 4 or 5 miles of roadway, with two or three strips combined on each plate or page. Not only will his *Survey* tell the traveler which road to follow, but it will also identify all rivers, bridges and ferry crossings. There will even be small symbols showing the locations of churches, taverns and grist mills, and, says Colles, "if a traveler's horse should want a shoe, or his carriage be broke, he will be able to determine whether he must go forward or backward to a blacksmith's shop."

While waiting hopefully for subscribers, Colles busies himself with myriad enterprises to support his wife and four children. He was hired last August by the Collector of Customs to make regular checks on imported spirits, an assignment for which he had to construct his own testing equipment. In his spare time, he also has offered what he calls "entertaining electrical experiments and curiosities" at a tavern in Haarlem, plus lectures on gunnery at the Exchange building, plus demonstrations at his own home of his solar microscope. For 3 shillings, according to Colles' advertisement, the spectator can enjoy "one of the greatest improvements in the science of optics." He will see "the skin of a spider's leg magnified to 30 feet long, and as thick as a man's body, and covered with bristles surprisingly large."

Colles has devoted much time to even more visionary projects. As soon as the war was over, he wrote to General Washington of a plan to deepen several miles of rapids in the Ohio River so that large boats could navigate regularly from Fort Pitt all the way to the Mississippi. Washington answered that Colles' scheme for development appeared to be "of immense value," but he added that the "present juvenile state of the country and the want of resources [make it] too early a day for such great undertakings." Colles submitted his plan to Congress too, but nothing came of it there.

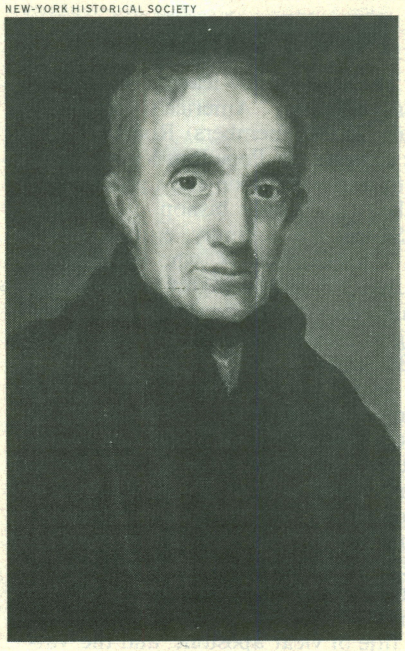
Undaunted, Colles proposed to the New York legislature a similar scheme for removing "obstructions" in the Mohawk River to the west of Albany. The legislature decided that it would be "inexpedient to cause that business to be undertaken at public expense," but said it would favor the project if "a number of adventurers should undertake it." Encouraged once again, Colles asked the legislature to pay him for surveys, won a grant of £50 and spent a summer charting the "principal obstructions" in the 100-mile-long Mohawk. The result: a twelve-page document entitled *Proposals for the Speedy Settlement of the Waste and Unappropriated Lands on the Western Frontiers of the State of New York, and for the Improvement of the Inland Navigation between Albany and Oswego.*

Colles' plan was daring but basically simple: To create a waterway connecting Hudson's River to Lake Ontario and the rest of the Great Lakes. He computed that a company capitalized at £13,000 could finish clearing the Mohawk in five years, then earn back its investment by tolls on the waterway. Colles also proposed that the legislature grant the company 250,000 acres of now empty land near the river. Pieces of that land would serve to attract 500 settlers, who would pay for their new property partly by working on the waterway. Colles estimated that trade in the area "would be more than triple" and shipping costs would drop 90 percent. In listing all the benefits, he even suggested that shad, herring and other salt-water fish could be lured up the waterway to new spawning grounds.

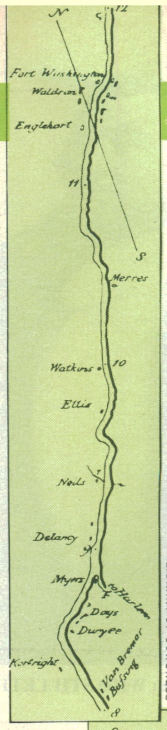
"There is a critical conjuncture in most undertakings," Colles told the legislature, "when the smallest unforeseen discouragement sinks them at least for that age, as the lightest additional assistance would set them afloat." That proved sadly true. A bill to launch Colles' project died in committee.

Colles now bubbles with optimism about his plan to publish the nation's first road maps. But sometimes, as he sups on a bowl of milk and a potato, he surveys a lifetime of magnificent projects gone awry, and then his optimism clouds. "If I had been brought up to the trade of hatter," he told a friend, "people forthwith would begin to come into the world without heads."

NEW-YORK HISTORICAL SOCIETY



COLLES AND HIS MAPS OF NEW YORK



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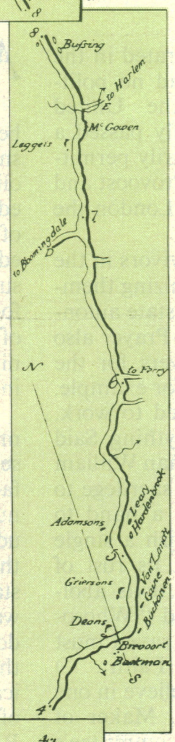
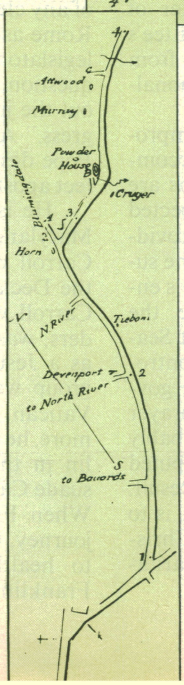




THE ROCKEFELLER UNIVERSITY

LAVOISIER AND WIFE BY JACQUES DAVID

Farewell to Phlogiston

Ever since Greek antiquity, most scientists have taught that all matter is composed of four elements: earth, air, fire and water. In a newly published book titled *Elements of Chemistry,* French Savant Antoine Laurent Lavoisier rejects that theory in favor of a new and more complex system. He also discards many names of familiar substances in favor of a nomenclature that indicates at a glance the exact composition of any compound. In the process, Lavoisier outlines what could prove to be a whole new structure of chemistry.

Son of a prosperous Paris lawyer, Lavoisier has long demonstrated a talent for investigating widely varied problems, ranging from the manufacture of gunpowder to the lighting of city streets. Together with his wife, Marie Anne Pierrette, who drew the diagrams for *Elements,* Lavoisier has conducted a 17-year series of experiments to break down common substances and examine their chemical composition. Determined to avoid any "conclusions which are not immediately derived from facts," he now argues that to apply the term elements to the "indivisible atoms of which matter is composed" is to speak of things about which science still knows nothing. Elements, he says, are simply the last point to which substances can be reduced by analysis or decomposition. And, he declares, there are far more than four. In his book, Lavoisier identifies no fewer than 33 elements, including 17 metals, five earths, and a number of other substances such as sulphur, phosphorus and charcoal.

Several of the Greek "elements," Lavoisier found, could be broken down further. To determine the true composition of air, he heated mercury in a closed system for twelve days until it formed a red calx, or ash. In the process, he noticed, the life-supporting component of air was consumed, leaving an aeriform fluid, or "gas," which permitted neither burning nor breathing. When he reversed the process by heating the calx, the mercury and the salubrious component of air were reconstituted. When the latter was recombined with the other gas, common air was formed.

Scientists have known for years that combustion inside a closed vessel depends on the amount of air available. But most have assumed that this is because air can absorb only so much "phlogiston," the principle or spirit that is believed to be present in all combustible substances. Lavoisier's experiment shows that phlogiston is a phantom. While sustaining combustion, the air in his flask lost about a sixth of its volume. This indicates that there is a previously undiscovered ingredient of air, which Lavoisier calls "oxygen" (from the Greek *oxys,* or "sharp"), that is essential to both combustion and life.

In another experiment, Lavoisier passed water vapor over charcoal. What was left was carbonic acid and a gaseous element that he named "hydrogen" (from the Greek *hydor,* meaning water). He was able to theorize that water is composed of oxygen and hydrogen; to support his hypothesis he combined the two in the proper proportions, and they did indeed form water.

Lavoisier's new names for common chemicals are less poetic than such familiar terms as volatile liver of sulphur (which he has redesignated as ammoniac), flowers of benzoin (benzotic acid) and orpiment (arsenic). They are also more accurate than such terms as vitriol (sulphuric acid) or solid butter of tin (tin). As the Frenchman himself shows, neither butter nor flowers exist in the mineral kingdom. Lavoisier's demand for accuracy in the reorganization and renaming of chemicals is winning widespread approval among scientists, and this is not simply a matter of neatness. He argues that all science must be based on "a series of facts . . . the ideas which represent these facts, and the words by which these ideas are expressed." Thus the nomenclature of a science is essential to the science itself.

Queen from the East

The flourishing China trade has brought to the west not only a cornucopia of tea, silks and spices (*see* ECONOMY & BUSINESS) but also a treasure in rare and exotic plants: the tree peony, the camellia, long-flowering pink roses. Now Marseille Merchant Pierre Louis Blancard has managed to bring back to France one of China's brightest and most popular flowers. The Swedish botanist Linnaeus has named it after the Greek words *chrysos* (gold) and *anthemon* (flower): chrysanthemum.

Although unknown in the western hemisphere, the chrysanthemum has been cultivated in the Orient since at least 500 B.C., when a reference to it appears in the Confucian text *Li chi* (Book of Rituals): "Last month of autumn. The wild geese come and abide like guests. *Chü hua* [chrysanthemums] blossom into yellow flowers. Autumn is the season of ingathering. Nothing remains in the fields." The Chinese began exporting the chrysanthemum in the fourth century to Japan, where it is known as *Ki-Ku,* or queen of the East. The Emperors there made it the national flower and stamped its image on royal swords.

Merchant Blancard bought three varieties—white, violet and reddish purple—in the port of Macao. Only the purple one survived the 15,000-mile voyage back to Marseille, but now it is flourishing in the Mediterranean sun. Blancard reports that cuttings enable botanists to make the plant multiply easily, and it should grow well in gardens throughout the temperate zone.

CHINESE VIEW OF CHRYSANTHEMUM

MUSEUM OF THE AMERICAN CHINA TRADE

Rebuilding Noah's Ark

The great idea came to him, says Painter Charles Willson Peale, while he was sketching some bones of a prehistoric mammoth that had been found in a New York swamp. Peale's house on Philadelphia's Lombard Street already had a picture gallery filled with his portraits of President Washington, Marquis de Lafayette and other notables he had known during the war, but one of his relatives brusquely told him that the mammoth bones were far more interesting. "There are many men like myself," declared Colonel Nathaniel Ramsey, Peale's brother-in-law, "who would prefer seeing such articles of curiosity than any paintings whatever."

Despite his prodigious gifts as a painter (TIME, July 4, 1776), Peale, 48, has repeatedly shown a fascination for all varieties of public exhibition. As long ago as 1780, at the parade marking the disclosure of Benedict Arnold's treason, he created a devil that brandished a pitchfork at a dummy of Arnold —the whole apparatus being made to move by a small boy tugging at hidden ropes. Peale's talent for ceremonial display later reached a fiery climax when the Pennsylvania Assembly gave him £600 to create a triumphal arch to celebrate the peace treaty. Painter Peale devised a fantastic construction more than 40 feet high, built of wood and canvas and ornamented with patriotic slogans *(victrix virtus)*. At Peale's signal, a gigantic statue of Peace, bearing a flaming torch and surrounded by attendant deities, was to slide from a nearby roof to the top of the triumphal arch, which would then begin to glow from the light of some 1,100 lamps and a volley of 700 rockets. Alas, one of the rockets went off too soon, and the whole arch caught fire. Peale narrowly escaped from the collapsing ruin with two broken ribs, a multitude of burns and a feeling of disgrace.

Peale's later inspirations were less daring but not less ingenious. He devised what he called "moving pictures," a series of slightly differing drawings that could be shown in sequence to create dramatic scenes. His two-hour demonstrations ranged from the coming of dawn, with accompanying birdcalls, to the battle between the *Bonhomme Richard* and the *Serapis*, with flashes and roars of gunfire. When Washington passed through Philadelphia last spring en route to his Inauguration, Peale built another triumphal arch, from which, as 15-year-old Angelica Peale pulled a cord, a laurel wreath dropped onto the forehead of the unsuspecting President.

The idea inspired by the mammoth bones was the most ambitious of all: a collection of every animal, plant and rock that Peale could gather. These "wonderful works of nature" would all be "classed and arranged according to their several species." He would call the assembled wonders, he said, a museum of natural history.

As Peale spread word of his project, donations arrived from the painter's many friends ("I find that I am getting into a much greater field than I had first expected," he confessed). One of the first contributions came from Benjamin Franklin, who sent the cadaver of his French Angora cat. Peale had a theory that such carcasses could be skinned and somehow stuffed, but his first experiments with turpentine as a preservative proved unsuccessful. Franklin's cat had to be given a decent burial. It took many experiments, in fact, before Peale discovered the right arsenic and mercury compounds to use.

When Peale heard that Lafayette had sent some French pheasants to Washington, he wrote to his old commander to ask that if any of the birds died, they be sent to his museum. Answered Washington: "I cannot say that I shall be happy to have it in my power to comply with your request, but I am afraid it will not be long, as they all appear to be drooping." And a month later: "Sir: You will receive by the Stage the body of my Gold Pheasant, packed up in wool agreeable to your directions." And a month after that: "Sir: I have sent the body of a French hen pheasant which died this day. I wish you great success."

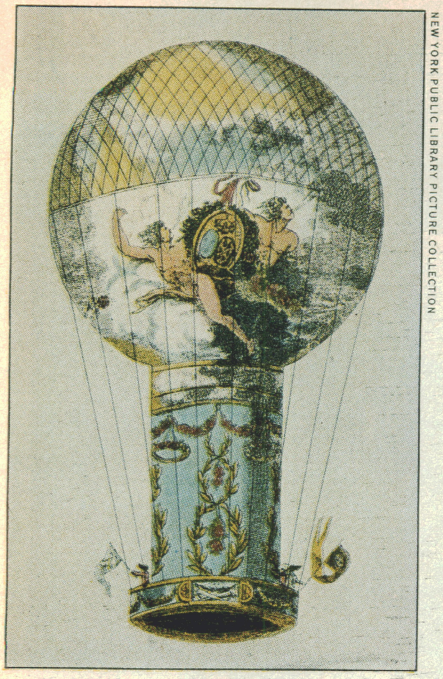
The novelty of Peale's museum consists not only in his collecting and stuffing so many creatures but in arranging them in lifelike surroundings: trees, bushes, mounds of earth. He has even built a grotto and created an artificial pond out of mirrors. The Reverend Manasseh Cutler, active in western land development, visited Peale's ever-expanding museum not long ago and listed some of its treasures. On a mound stood various stuffed wild animals, including bear, deer, leopard, tiger. In the thickets and among the rocks lurked rattlesnakes of enormous size. Observed Cutler: "Mr. Peale's animals reminded me of Noah's Ark, but I can hardly conceive that even Noah could have boasted of a better collection."

Among the most remarkable of Peale's exhibits was a wax-work statue of Peale himself, so lifelike that Cutler mistook it for its own creator. "To what perfection is this art capable of being carried!" he declared. "By this method, our particular friends and ancestors might be preserved in perfect likeness to the latest generation [and thereby] disappoint the ravages of time, and prevent mortality itself."

Preserving mortality is Peale's goal for the present, however. Not only is he supporting six children, but his house is constantly filled with friends, relatives and stray animals. So the museum that he opened to the public gratis three years ago now charges 1 shilling admission. Peale's collection keeps growing. He just recently acquired a jackal, a mongoose and a swarm of East Indian insects. Says he: "If my life is preserved for any length of time, it is most likely that my labors will make a museum that will be considered of more consequence than anything of this sort in America."

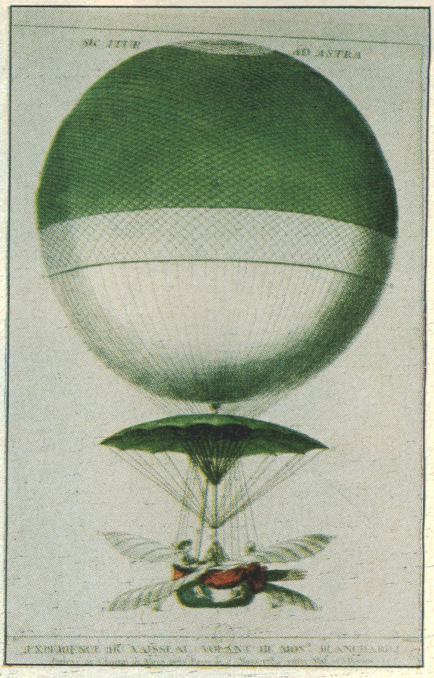
PAINTER PEALE WELCOMES VISITORS AT ENTRY TO NATURAL-HISTORY MUSEUM

ALAN REINGOLD



NEW YORK PUBLIC LIBRARY PICTURE COLLECTION

DE ROZIER'S BALLOON CRASHED IN 1785



BIBLIOTHEQUE NATIONALE

1784 MODEL SPORTS WINGS & PARASOL

In Perfect Bliss

All through this past summer, Entrepreneur Joseph Deeker has been crying out the same appeals in the New York *Daily Advertiser:* Please subscribe to pay for a giant balloon to go soaring up over New York. If successful, this would be the first balloon ascent ever made anywhere in America.

According to Deeker's advertisements, the new craft would cost 100 guineas, including the expense of the gas to carry it aloft. Deeker reported that he had made a 40-mile balloon flight over Bristol four years ago, and therefore "is perfectly acquainted with the construction of air balloons."

New Yorkers hastened to buy 8-shilling tickets, for they have heard only by rumor of those perilous feats that began in September of 1783, when France's Montgolfier brothers built their first 57-foot-high blue-and-gold balloon out of paper and canvas (neatly buttoned together in sections) and loaded aboard a sheep, a cock and a duck. Since the Montgolfiers were convinced that it was smoke that made balloons rise, they stuffed a furnace with damp straw, old shoes and some pieces of decomposed meat, which filled the balloon with hot air and sent it soaring some 1,700 feet into the skies over the royal palace at Versailles. Two months later, the Montgolfiers installed an iron furnace aboard a new balloon in Paris, and Francis Pilâtre de Rozier and the Marquis d'Arlandes took it up on the first manned flight. They heaped on straw until they reached a height of 280 feet before the balloon started to catch fire, and barely managed to land safely.

Yet another balloonist, Jacques Charles, was experimenting that same year with inflammable air, the gas that French Chemist Antoine Lavoisier now calls "hydrogen." By treating iron filings with vitriol, Charles found he could fill a balloon with gas without any need for furnaces. Said he after his first 27-mile flight northward from Paris: "Nothing will ever equal that moment of joyous excitement which filled my whole being when I felt myself flying away from the earth. It was not mere pleasure; it was perfect bliss."

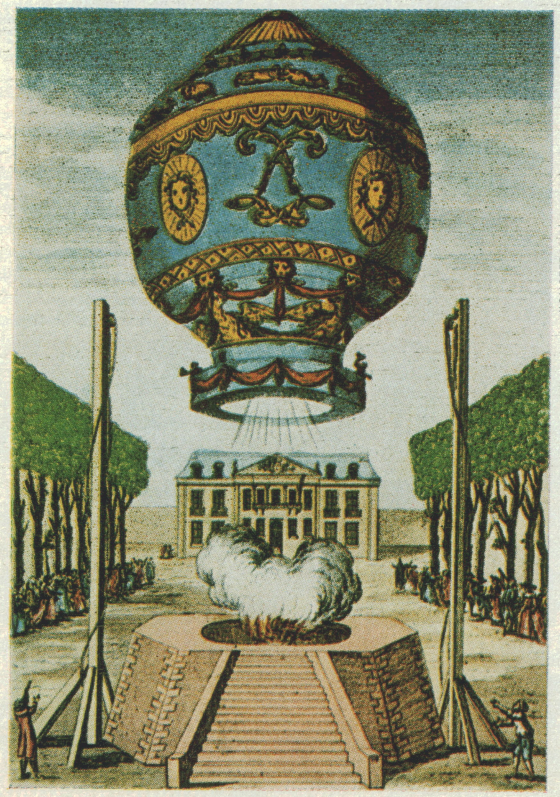
Although awestruck crowds of more than 100,000 gathered to watch the first balloon flights, the practical value of these adventures remained unclear. Said the Royal Society of London: "No good whatever could result from them." France's Jean-Pierre Blanchard and Bostonian John Jeffries demonstrated that a balloon could carry mail across the English Channel (they bore letters to King Louis XVI and Minister Benjamin Franklin), but their balloon came so near to crashing in mid-channel that they had to jettison not only every scrap of ballast but even their coats and trousers. Franklin, however, sympathized with the passion for ballooning. When asked what use it could have, he retorted, "Of what use is a newborn baby?"

Trouble is that after the first few flights, ballooning proved just as dangerous as it looks. Pioneer Pilâtre de Rozier crashed to his death when his craft caught fire near Boulogne four years ago. Several Britons have narrowly escaped drowning. Only Channel Conqueror Blanchard keeps seeking new records. His novelties so far this year: the first flights over Breslau and Warsaw.

New York's Deeker has had some difficulties. To arouse interest during the construction of his balloon, he exhibited and then launched last month a model balloon (24 feet in circumference), which sailed slowly across the city and then disappeared. Deeker's next advertisement acknowledged that some observers "were disappointed in the small balloon, which he is credibly informed descended in the Haarlem River." He therefore staged a flight by a second model. This, he said, "equalled expectations, though not his [own], the emoluments arising being insufficient to compleat the large balloon."

The note of financial anxiety began to sound in all of Deeker's advertisements. On September 14, he announced that he had finally finished a balloon 100 feet in circumference, and "is ready to ascend as soon as the subscription will refund him in the expense he has been at to compleat it." Then he scheduled his great flight for last Wednesday and promised "a band of music to serenade the ladies and gentlemen."

The advertisements proved all too successful. Huge crowds gathered at a lot near the race ground about a half mile east of Bowery Lane, and when winds delayed the launching, people began to get restless. They pressed close against the enclosure around the balloon. The enclosure collapsed. Then, as the *Daily Advertiser* put it, "by some accident, it is said, the machine caught fire, and the public expectation ended *in fumo.*"



NEW YORK PUBLIC LIBRARY PICTURE COLLECTION

FIRST MANNED FLIGHT OVER PARIS
"Of what use is a baby?"

Oldsmobile's answer to expensive European luxury sedans.

Omega Brougham. Priced under $4000.*

It stands to reason that if a foreign car is going to be priced thousands of dollars more than an Omega Brougham, you ought to be getting a lot more car for your money. Let's just see how these cars stack up against each other.

	AUDI 100LS SEDAN	SAAB 99GL SEDAN	VOLVO 244 SEDAN	OMEGA BROUGHAM
SHLDR. RM. (F/R)	55.5/55.4	53.0/52.9	54.3/54.2	56.3/56.6
LEG ROOM (F/R)	41.3/34.5	39.4/37.1	38.4/38.9	41.8/32.8
HEAD ROOM (F/R)	38.4/36.5	37.8/37.7	37.6/36.8	38.9/36.2
EPA MILEAGE† HIGHWAY/CITY	MPG 30/20	MPG 30/21	MPG 27/17	MPG 25/17
ENGINE & TRANSMISSION	114-Four 4 Spd. Man.	121-Four 4 Spd. Man.	130-Four 4 Spd. Man.	250-Six 3 Spd. Man.
PRICE*	$7,100	$6,498	$6,595	$3,914

*Manufacturers' suggested retail prices for the models shown (including prep charges and available equipment specified on Omega Brougham). Tax, license, destination charges and other available equipment additional.

†Source: 1976 EPA Buyer's Guide. Remember: These mileage figures are estimates. The actual mileage you get will vary depending on the type of driving you do, your driving habits, your car's condition, and available equipment. For California EPA figures, available power trains, and prices check your dealer there.

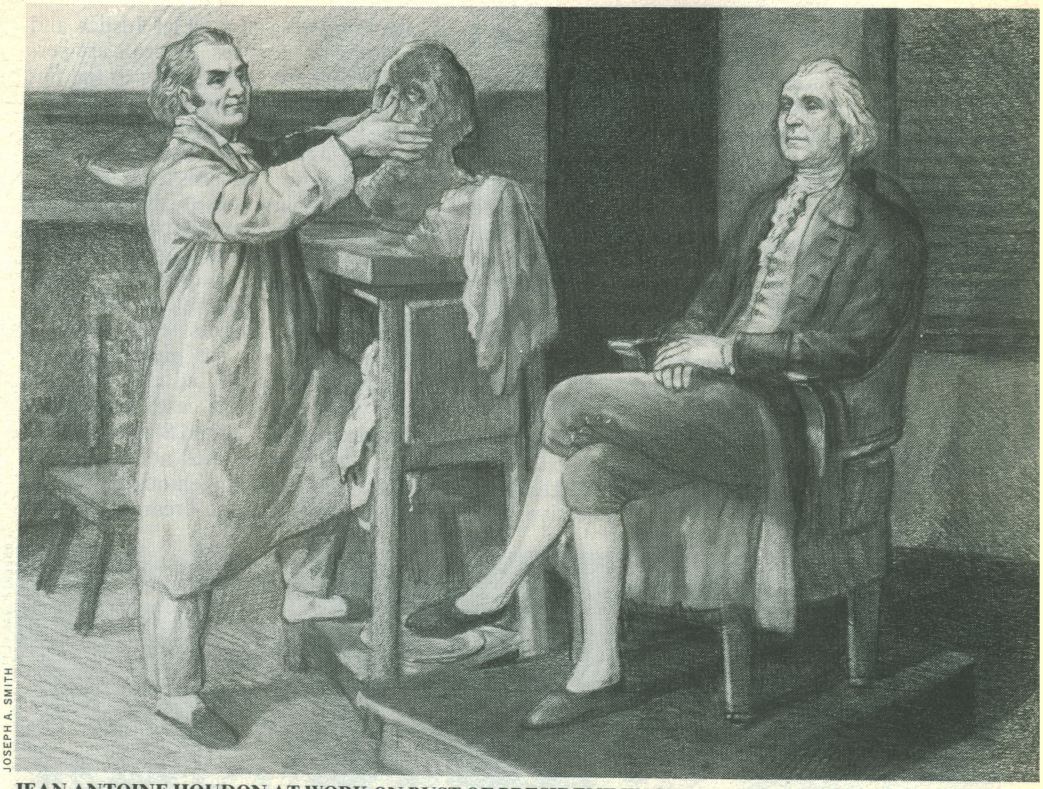
While being priced a lot less, Omega Brougham still offers room, comfort and gas economy comparable to expensive European sedans. What's more, its low $3914* price even includes this available equipment: bucket seats; sports mirrors; floor shift control and super stock wheels. And you can even add steel-belted radial tires ($69) and still keep the price under $4,000.

Check out an Omega Brougham Sedan today. We think our combination of price, luxurious appointments and Oldsmobile quality are going to win you over.

OMEGA BROUGHAM Oldsmobile

Can we build one for you?

To Render Immortal



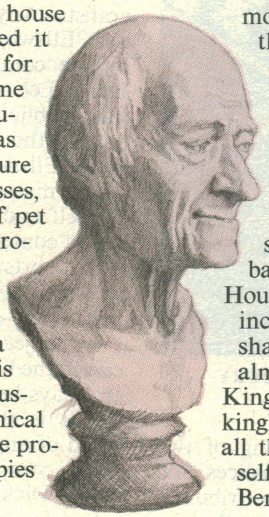
JOSEPH A. SMITH

JEAN ANTOINE HOUDON AT WORK ON BUST OF PRESIDENT WASHINGTON
"I was as restive under the operation as a colt is of the saddle."

In the midst of Paris' restless streets is a large room at the Bibliothèque du Roi on the Rue de Richelieu. In the center of the room stands a massive piece of marble, chipped away here and there with a chisel. The place is the studio of Jean Antoine Houdon, and the marble is designed to become the definitive statue of President Washington.

Houdon has been much in the public eye lately. Last month he contributed to the Salon of the Royal Academy a magisterial bronze head of the Prince of Prussia (brother of King Frederick William), five plaster busts, one a likeness of Minister Thomas Jefferson, and four in marble, including Philosophers Jean Jacques Rousseau and Denis Diderot. As Houdon says, one of his ambitions as a sculptor is "to preserve with all the realism of form, and to render almost immortal, the image of the men who have contributed to the glory or the happiness of their country."

The ambition is remarkable considering Houdon's humble origins. When he was born in Versailles in 1741, his father meekly described himself as a *"domestique"* in the service of the Comte de Lamotte, controller-general of the King's parks. At the comte's death, his widow rented his Paris house to the King, who converted it into a preparatory school for the French Academy in Rome —keeping on the elder Houdon as concierge. His son was allowed to haunt the lecture halls and sketch in life classes, where he became a sort of pet of the older students and professors. After four years in Rome, young Houdon returned to Paris with a life-sized plaster statue of a flayed man *(L'Ecorché),* his exposed muscles as scrupulously displayed as in an anatomical drawing. The figure has since proliferated in innumerable copies as a model for art students.



VOLTAIRE

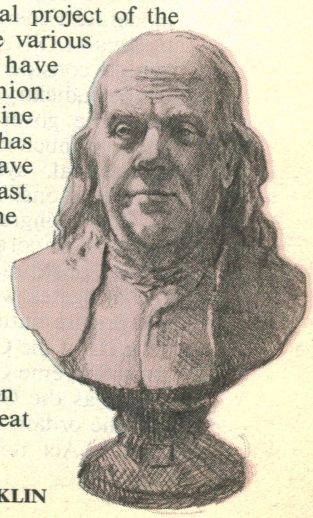
Public commissions for large statuary were hard for a young man to acquire, so Houdon briskly set out to do portraits. He aimed high. He approached Diderot, offered to do his bust for nothing, and exhibited the result in the Salon of 1771. Since then he has not lacked for commissions. He has sculpted Russia's Empress Catherine II, two aunts of King Louis XVI and a variety of German princes. And when Voltaire returned in 1778 from his long exile on Lake Geneva, it was Houdon he accepted for his memorialist. At 84, he died, only a few days after his last sitting. In the resulting sculpture he is immortally preserved—wise, wry, a mocking gallant smile on the dying mouth, a triumph of spirit over the vulnerable body.

Perhaps more than any other living sculptor, Houdon has managed to capture the particularity of his subjects. His portraits speak. Their features move beneath the smooth gloss of marble surface. Instead of the usual bald-eyeball gaze of antiquity, Houdon has devised a method of incised shadows and indented shapes that makes the eyes seem almost to glisten. His bust of King Louis XVI, for example, is kingly enough, but it also displays all the monarch's weakness and self-indulgence. His portrait of Benjamin Franklin, too, shows a characteristic mixture of candor and guile.

When the Virginia Assembly voted to commission a heroic statue of Washington five years ago, it asked Minister Jefferson to pick a sculptor, and Jefferson unhesitatingly recommended Houdon as "the finest statuary in Europe." Though several painters had done pictures that Houdon could have used for a likeness, he insisted that he must see his subject for himself. Jefferson advanced the money for Houdon and three assistants to sail to America.

By then, Washington had become so accustomed to artists that he wrote one old friend: "At first, I was as restive under the operation as a colt is of the saddle, [but] now no dray moves more readily to the thill than I do to the painter's chair." He had even become accustomed to the process of the life mask, first inflicted upon him by American Painter-Sculptor Joseph Wright: "He oiled my features over, and, placing me flat upon my back upon a cot, proceeded to daub my face with plaster. Whilst [I was] in this ludicrous attitude, Mrs. Washington entered the room, and involuntarily exclaimed. Her cry excited in me a disposition to smile, which gave my mouth a slight twist or compression of the lips that is now observable in the busts which Wright afterwards made." When Houdon repeated the process, Washington managed not to smile.

Since his return to Paris, Houdon has made several casts from the mold before attacking the final project of the full-length statue. The various Washington busts have evoked diverse opinion. Young Writer Germaine de Staël observed: "He has the coldest features I have ever seen." By contrast, one critic found in the bust "that marvelous serenity of the real hero." The two remarks embrace the special quality of Jean Antoine Houdon, the concierge's son who looks at the great without blinking.



FRANKLIN

Now a Supreme Court

The number on the measure is one sign of its importance: Senate Bill No. 1. Another sign is the physical wear and tear on the bill itself. Those who have seen the Senate's 37-page draft say that it swarmed with scribbled insertions and deletions, plus myriad additions affixed to the document with sealing wax, not to mention a number of amendments scrawled on loose scraps of paper. Then, when the Senate had finished, the House added 52 amendments of its own.

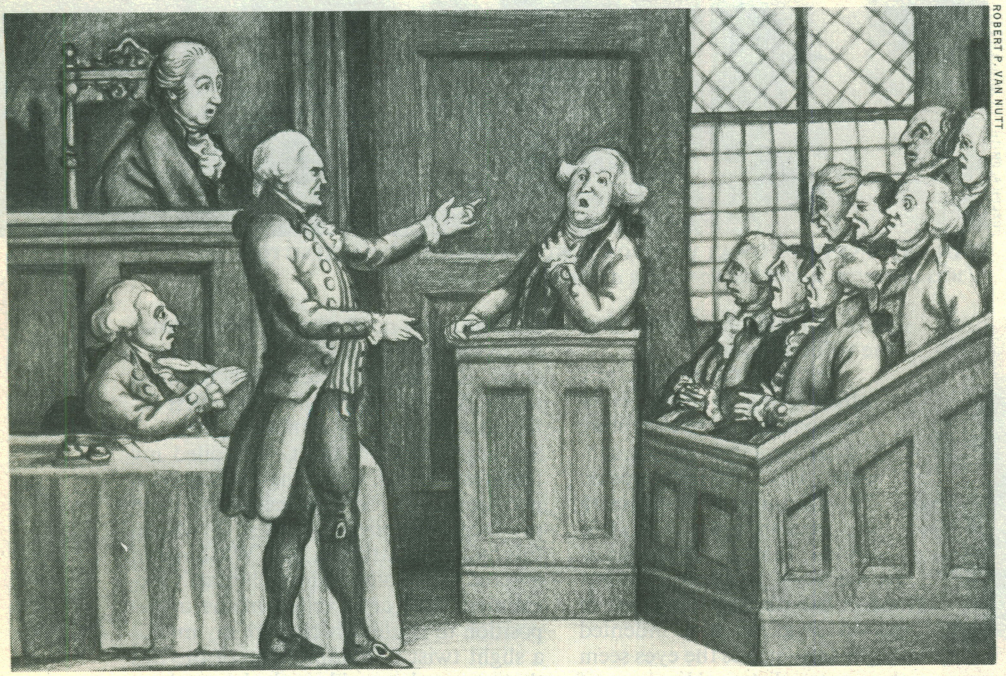
The resulting Judiciary Act of 1789, which President Washington signed into law last week, satisfies few. Senator William Maclay excoriates it as a "vile bill," and even mild-mannered Congressman James Madison calls it "defective." But the compromise bill to establish a Supreme Court and a federal judicial system is a remarkable triumph for the moderate Federalist position expressed by Senator Oliver Ellsworth of Connecticut: "I consider a proper arrangement of the judiciary among the best securities the government will have, and question much if any will be found more economical, systematic and efficient than [this] one."

The Congress thus has completed the most important unfinished business of the Constitutional Convention, where the delegates were unable to agree on the precise nature of the judiciary. Article III of the Constitution simply calls for a Supreme Court and "such inferior courts as the Congress may from time to time ordain and establish." The Judiciary Act now provides a Supreme Court consisting of a Chief Justice and five Associate Justices. Appeals are permitted from the state courts to the Supreme Court, and any law "repugnant" to the Constitution can be ruled invalid. How aggressively the Justices exercise this power remains to be seen.

The Judiciary Act further sets up a federal court system that will parallel the states' courts and impose a somewhat greater uniformity in the administration of law. The nation will be divided into 13 districts, each under a federal judge. For the present, his jurisdiction will be limited chiefly to admiralty and maritime cases, and minor infractions of the United States law, *e.g.*, when punishment does not exceed 30 stripes. The most ingenious feature of the new system is the creation of three circuit courts, each consisting of two traveling Supreme Court Justices and the local district judge. These tribunals will have both original and appellate jurisdiction over federal cases as well as over disputes between citizens of different states.

When these issues first came before the Constitutional Convention of 1787, an almost interminable wrangle began. Antifederalists tried to block the lower-court system altogether as a threat to states' rights and an expensive new burden for individual plaintiffs. John Rutledge of South Carolina warned that it would be an "unnecessary encroachment," and his fellow South Carolinian Pierce Butler predicted that "the people will not bear such innovations." At one point, the Convention actually voted against any establishment of federal district courts, and it was only after long debate that a majority accepted Madison's view that "a government without a proper executive and judiciary would be a mere trunk of a body without arms or legs to act or move."

As the Antifederalists had warned, the prospect of a powerful federal judiciary was one of the greatest obstacles to ratification of the Constitution. Delegates to the state ratifying conventions warned that federal judges, indifferent to local problems, would undercut the states' own judiciaries, that they would favor city merchants at the expense of debt-plagued small farmers, that they might even jeopardize the hard-won right of trial by jury. Responding to such anxieties, John Marshall, then 32, delivered a persuasive speech at the Virginia convention. "To what quarter," he asked, "will you look for protection from an infringement of the Constitution, if you will not give the power to the judiciary? There is no other body which can afford such protection."



ROBERT P. VAN NUTT

ONE OF THE LEGAL RIGHTS MOST CHERISHED BY AMERICANS: TRIAL BY JURY
Would federal judges be indifferent to local needs and customs?

When the Senate first convened in April, it appointed a draft committee to prepare a judiciary bill—and guaranteed a renewal of the old arguments by dividing the seats between Federalists and Antifederalists. Anything proposed by Federalist Ellsworth was apt to be opposed by the committee chairman, Richard Henry Lee of Virginia, whom Ellsworth had publicly attacked for "scurrility against the new Constitution." But ex-Judge Ellsworth is a dignified and dedicated man, though given to talking to himself and addicted to snuff. In a series of conferences, the scope of the federal courts was sufficiently circumscribed—*e.g.*, by limiting the appeals from state-court decisions—to silence Lee's objections. The full Senate received the bill on June 12, but it was several days before the legislators digested it. "It is the most difficult to understand of any legislative bill I have ever read," complained former Congressman John Dickinson of Delaware when asked for his expert advice. For three weeks, the full Senate struggled with various complexities of federal *v.* state jurisdiction and finally passed the much-amended draft by a vote of 14 to 6.

In the House, the measure remained tabled for more than a month while the members debated the Bill of Rights. When this was passed, some of the objections to the judiciary bill had been removed, particularly by the guarantee of trial by jury. During the House debate, T.T. Tucker of South Carolina renewed the fight to block the whole district-court system ("a burthensome and useless expense"), but he was voted down. The final tally on the bill: 37 to 16.

Whatever the "defects" Madison

saw in the measure that Congress passed last week, he added a "hope that the system may speedily undergo a reconsideration under the auspices of the judges who alone will be able, perhaps, to get it to rights." President Washington told Madison that he felt a "solicitude for drawing the first characters of the Union into the judiciary."

A number of prominent jurists felt the same solicitude—seeing themselves as first characters of the Union. "My aim rises to the important office of Chief Justice," wrote one of them, James Wilson, 47, Scottish-born former Pennsylvania Congressman and now professor of law at the College of Philadelphia. There have been rumors, too, that Treasury Secretary Hamilton might be named head of the court. Washington finally decided, however, to choose someone less controversial, and so he selected Secretary for Foreign Affairs John Jay of New York *(see box)*. The Associate Justices: South Carolina ex-Governor John Rutledge, 50; John Blair, 57, head of the Virginia Court of Appeals; William Cushing, 57, head of the Massachusetts Supreme Judicial Court; Robert Hanson Harrison, 44, head of the General Court of Maryland; and Job Seeker Wilson. Like the 13 nominees to federal judgeships, these new Justices form an experienced and distinguished group, well chosen to fulfill Madison's hope of getting the system to rights.

Doomed to Exile

Once a criminal has been convicted what should be done with him? Public torture was banned by decree in France last year, and many other standard punishments like flogging are increasingly unacceptable to enlightened modern opinion. A Pennsylvania law three years ago forbade branding, whipping, and the nailing of prisoners' ears to the pillory post. Indeed, a Philadelphia reform society argues that physical punishment should be abolished entirely. It urges that convicted prisoners simply be confined for certain periods of time in the jails that now are used for pretrial detention. The reformers refer to their

Mr. Chief Justice: Staid but Pertinacious

"Mr. Jay, did you break the table?"

"No, sir."

"Do you know who did break the table?"

"Yes, sir."

"Who was it?"

"I do not choose to tell you, sir."

In that dialogue, which took place when he was a student at King's College in New York (he was briefly suspended for his defiance), John Jay displayed the mixture of honesty, obstinacy and dedication to principle that led to his nomination last week as the first Chief Justice of the United States. Jay's character seems clearly visible in his high forehead, arched eyebrows and long chin, but it is a character that has formed as slowly as a gnarled apple tree. By nature impulsive and voluble, he has contrived an exterior that is grave and austere, even forbidding. As he once wrote to a friend: "Bashfulness and pride rendered me staid ... pertinacious ... prone to sudden resentments ... careless of all but a few."

Jay, now 44, was not born a revolutionary. His birth and upbringing, his friends and ambitions, all conspired to make him a cautious defender of royal government. His grandfather, Auguste, was a Huguenot who fled to America, where he started the family on its way to wealth through an export-import business in New York. Young Jay was admitted to the bar in 1768 and went into partnership with his close friend Robert Livingston. To correct what he called "deficiencies," he took elocution lessons while cultivating an air of restraint and occasional sarcasm.

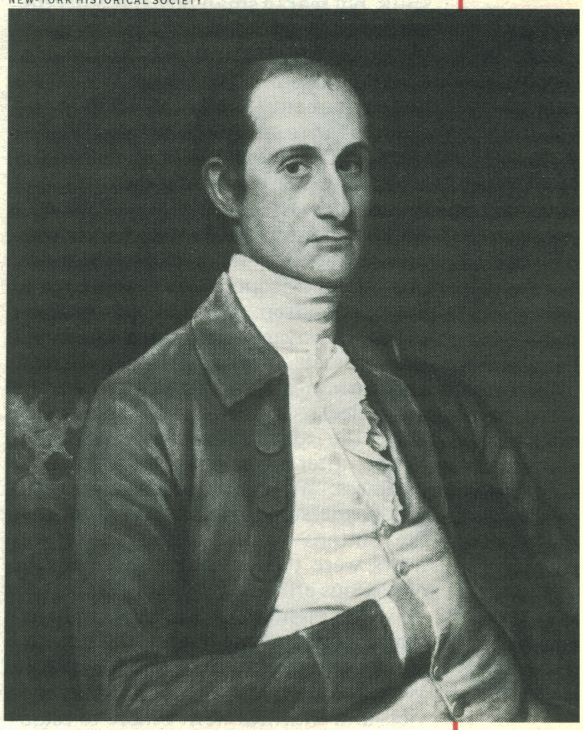
After the Boston Tea Party, Jay helped organize a group of conservative merchants to counteract the radicals' agitation for independence. But British intransigence pushed him ever closer to rebellion. Elected to the First Continental Congress, he drafted a defiant address to the Crown: "No power on earth has the right to take our property from us without our consent. We will never submit to be hewers of wood or drawers of water." Thomas Jefferson called the document a "production certainly of the finest pen in America."

Jay was the principal author of the New York constitution, which provided for an admirably balanced form of government. Named chief justice of the state, he easily assumed the task of interpreting the document he had largely composed. Though he has never asked for any political position, he was elected President of the Continental Congress in 1778, then served as Minister to Spain and finally joined in negotiating the peace treaty with Britain.

On his return to America in 1784, Jay was appointed Secretary for Foreign Affairs. His skill and experience made him one of the few figures of stature in the postwar Congress, but as that Congress grew more divided and enfeebled, Jay was crippled in his relations with foreign powers. He wrote to John Adams: "If faction should long bear down law and government, tyranny may raise its head, and the more sober part of the people may even think of a king."

In this troubled period, Jay became embroiled in his most controversial act. Instructed by Congress to secure free navigation for Americans along the Spanish-held Mississippi River, he proved unable to budge the Spanish envoy, Don Diego de Gardoqui. (Gardoqui conducted the negotiations partly by gallant attentions to Jay's socially prominent wife, the former Sally Livingston. Explained Gardoqui to his superiors: "This woman, whom he loves blindly, dominates him.") When Jay failed to win agreement—and excused himself on the grounds that Americans would not really need the Mississippi for another 25 years—southerners accused him of trying to maintain the power of the northeast by preventing the south from expanding. Jay replied that Americans had gone far enough west for the time being. "Shall we not fill the wilderness with white savages? And will they not become more formidable to us than the tawny ones which now inhabit it?"

NEW-YORK HISTORICAL SOCIETY



JOHN JAY BY JOSEPH WRIGHT

No savage himself, Jay likes to provide fine wines and earnest talk at his handsome mansion on Broadway. Aside from a fondness for an occasional game of shuttlecock and battledore, however, he devotes himself tirelessly to his work. An ardent supporter of the Constitution, he wrote four of the notable papers recently published under the title *The Federalist*. He has been even more emphatic in private in urging the need for an independent judiciary as part of the balanced federal system. To Washington, he succinctly wrote: "Let the Congress legislate, let others execute, let others judge." He was distinctly Washington's own choice to carry out that third task.

planned institutions as "penitentiary houses."

Exile, though not used by American courts, was one of Britain's main punishments until the war deprived the British of their chief dumping ground, the American colonies (some 40,000 prisoners, many branded with an *R* for rogue, were shipped to America between 1717 and 1775). English judges now impose the death penalty for about 200 different crimes, ranging from murder to the theft of a 1-shilling handkerchief, but they generally agree to remit death sentences if the convicts can be sent out of the country—only there has been nowhere to send them. Throughout the war years, thousands of prisoners were crowded "temporarily" into the dank and pestilential hulks of abandoned ships, but fear of small pox and other diseases began to alarm residents of nearby cities, and a search for a new place of exile started.

Parliament finally decided to try sending an expedition to Australia, a large and almost unpopulated island southeast of China. Under the command of Captain Arthur Phillip, 48, a fleet of eleven vessels left Portsmouth in May of 1787 with a load of 200 Marines, 565 male prisoners, 153 women and eleven children. Officers and seamen found the voyage endurable enough, but the convicts, crowded into a narrow and vermin-infested space between the main decks, lived in reeking darkness. Said the expedition's doctor, John White, after investigating an outbreak of illness: "When the hatches were taken off, the stench was so powerful that the buttons on the clothes of the officers were turned nearly black by the obnoxious effluvia."

After eight months at sea—and having lost only 40 prisoners—the fleet arrived on the east coast of New South Wales on January 18, 1788. Male convicts and Marines went ashore to establish a camp, and then the women convicts were allowed to land. Said one Marine: "Licentiousness was the unavoidable sequence." Added another: "The scene of debauchery and riot that ensued during the night may be better conceived than expressed."

Debauchery, however, has been the least of the colony's problems. British authorities did not send nearly enough supplies (only 20 scythes, for example), and the unwilling immigrants have shown little energy in using even those. For food, the prisoners often set out with muskets and cudgels to hunt the many strange animals they have seen—emus, bandicoots, wallabies and wombats. The wheat brought from England failed to sprout. Governor Phillip has had to impose strict rationing, and six of the Marines have been executed for breaking into government stores. A supply ship is now reported to be on its way to the new colony, but by all accounts Australia will never provide a very good solution to England's crime problem.

COLLECTION: MR. AND MRS. PAUL MELLON

ONE OF THE IMPORTED ENGLISH CHAMPIONS, SHARK, PAINTED BY GEORGE STUBBS

SPORT

The Racing Revival

What to do for entertainment when the blaze of leaves is fading and the winter social season not yet launched? Colonel John Hoomes, who breeds horses and owns the stagecoach that plies between Alexandria and Richmond, Virginia, hit upon a happy solution last year. He offered a "race week" at his improvised track in Bowling Green, conveniently located at the halfway station on his coach line, and advertised that there would be "several days racing. Great attention will be paid to accommodate ladies and gentlemen that come from a distance." From Richmond and Tappahannock and Fredericksburg, the ladies and gentlemen came in their coaches in such numbers that when Hoomes repeats the event next week, he promises "there will be a ball and genteel supper" every night of the meets.

So racing is back, after the dour years since the Continental Congress officially banned it in 1774. Of course it never completely died, for some boastful owner was always likely to insist over a pint of ale that he would back his horse against that of his neighbor. But the war cost the new nation heavily in horses. Many were killed, and when the defeated British retreated to England, they generally took their best surviving horses with them. The new and somewhat impoverished nation finds itself with a vastly depleted stock, and only recently have a few breeders acquired the money to start replenishing the supply.

The center for the new racing is Virginia, where four race tracks are already operating near Richmond (Fairfield, Broad Rock, Tree Hill and Newmarket). Breeder Benjamin Hyde of Fredericksburg has imported the huge (16 hands) Shark, the most celebrated sprinter of his time. Shark won 19 out of 29 races and earned a record 16,057 guineas in England before being brought to Virginia three years ago. Similarly, John Tayloe III of Mount Airy is reconstituting his stud based on the offspring of Medley, brought here from England five years ago.

New York has been slow to re-establish racing—only two competitions have been scheduled so far this year. But in Philadelphia, where no competitions are officially allowed, so many horsemen like to gallop down dusty Sassafras Street that it has been renamed Race Street. Enterprising Irish Sportsman Thomas Benger has built stables north of Philadelphia with the idea of establishing a racing stud. Last year he imported the relatively young (nine years old) large-boned gray stallion, Messenger, which has already won 1,473 guineas in England. Though primarily a runner, Messenger breaks easily into a high-striding trot that well suits the Pennsylvania law that all horses must be bred for harness or hackney purposes.

It is still difficult to judge among the new race horses. Although times are now kept, what is a mile at one track might be 100 yards shorter at another. In most cases, the distances are relatively long (the normal race is the best of three heats over a distance of 3 or 4 miles each), so the search is not for sprinters but for long-distance runners. Despite the money invested on aristocratic horses from England, they do not always live up to their reputation in such endurance tests against tough American animals. Every once in a while, a shaggy little beast, looking for all the world like a tittuping goat and with feather dusters for hocks, leaves a handsomely groomed racer far behind.

Branded or Barefaced?

Now we bless the pleasing yoke,
Now we wish the bond were broke,
Virgins fight to wear the chain,
Wives would fain be free again.

A growing number of American women seem to share those bitter sentiments, anonymously expressed in the July issue of the *American Museum* magazine. Outright divorces—almost unthinkable just a few years ago—are still rare but increasing. In Connecticut, where 17 marriages were dissolved during one court circuit last year, up to 30 couples are now divorced annually—roughly 20 times the rate that prevailed a century ago. Indeed, the increased demand for divorce hearings has become such a drain on legislators' time that Pennsylvania, New Hampshire and Rhode Island have followed Connecticut's lead in transferring responsibility for such cases from the general assemblies to the courts.

Until the war, of course, the colonies were expected to follow British marriage laws, which still allow only two or three divorces a year by special acts of Parliament. When the Pennsylvania Assembly granted Philadelphia Barber George Kehmle a divorce from his adulterous wife Elizabeth in 1772, the English Privy Council rebuked the Assembly, and King George forbade provincial governors to allow divorces "upon any pretense whatsoever."

In recent times several states have passed new laws to make the ending of marriages easier. One of these is Pennsylvania, which now allows divorces on four grounds: impotence, bigamy, adultery or malicious desertion for more than four years. An unhappy wife can also obtain a legal separation from bed and board (which does not include the right to remarry) on four other grounds: if her husband 1) abandons her for less than four years, 2) turns her out-of-doors, 3) endangers her life by cruel and barbarous treatment or 4) offers such indignities to her person as to make her life intolerable.

Connecticut law is even more liberal. It not only provides for courtroom divorce on four grounds—adultery, fraudulent contract, three years' willful desertion or seven years' providential absence—but also allows the General Assembly to grant divorce by special act on such grounds as "inveterate hatred" or in cases where the proof required by the courts cannot be produced. Connecticut Housewife Ursula Philips, for example, plans to sue her husband Thomas next month on the grounds "that he rendered her life miserable by frequent beating with brutal violence, almost constant intoxication and lascivious conduct with several lewd women."

The new laws have attracted some stern criticisms. Decrying the "present multiplication of divorce," the Reverend Benjamin Trumbull of the North Haven Congregational Church recently upbraided Connecticut legislators for encouraging "vice to walk with a bare face and a stretched-out neck." Similar attacks have led a few states to tighten their laws. Two years ago a committee chaired by Alexander Hamilton presented the New York legislature with a bill that would accept only one ground for divorce—adultery—and would deny the right of remarriage to the guilty party. Although a council of revision that included New York Governor George Clinton argued that such a prohibition against remarriage called for "a degree of preserve and continency scarcely to be expected" from a convicted adulterer, the legislature overrode the council's veto and passed the bill.

Massachusetts, which granted 81 divorces on six grounds between 1760 and 1786, now accepts only three grounds for divorce: impotence, adultery and bigamy. Before the new statute was passed in 1786, divorce was also permitted on the grounds of incest, malicious desertion and long absence with presumption of death. The refusal to grant divorce for "long absence" has been particularly difficult for the wives of missing mariners, who accounted for a full third of the divorces before 1786.

Cruelty, no matter how extreme, is accepted only as grounds for separation—as Sarah Rust recently discovered when her petition for divorce was denied even after she produced evidence that her husband Francis had waylaid her in a friend's yard and almost beaten her to death with a club. Similarly, Bostonian Lucy Purnan, a freed slave, was not eligible for divorce from her husband Scipio though he had turned her over to another man who bound, gagged and carried her off to New York to be sold.

Connecticut's Reverend Trumbull not only wants divorce laws tightened, but he also has called upon the Assembly to make provisions "for the punishment of delinquents in every case of divorce." In particular, he argues, those divorced for adultery should receive the punishments specified in the 1769 statute against that crime: whipping, branding of the forehead with the letter *A,* and the perpetual wearing of a halter with the *A.*

Few legislators in these enlightened times are likely to heed Trumbull's advice. Although most states still have laws against sex crimes, including fornication, adultery and homosexual acts, they are seldom enforced. Even in Middlesex County, Massachusetts, where a full two-thirds of the criminal prosecutions before the war were for fornication, there were only five such cases this year. The five women—men are seldom prosecuted for adultery and fornication—received only minimal fines (5 shillings). In exercising this judicial restraint, the Massachusetts courts have acknowledged the virtual impossibility of enforcing morals by law without imprisoning half the populace. Of 200 people admitted to the church at Groton between 1761 and 1775, nearly a third made confessions of fornication (c.f.'s). This year the church elicited "c.f.'s" from more than half its new members.

ROBERT P. VAN NUTT

THE PENALTY FOR ADULTERY
Now rarely enforced.

Only very occasionally is there retribution. Eve Sewell, for example, has been indicted by the State of Maryland for having committed adultery and having borne a mulatto child. If she is convicted, both she and her child will be legally sold into servitude—the mother for seven years, the child for 31. In most southern states, the laws provide only for legislative divorces, and these are rarely granted. One result is that southern newspapers now carry almost as many advertisements for runaway wives as for runaway slaves.

Who's Mischievous?

Hot-tempered, Irish-born Congressman Aedanus Burke of South Carolina had apparently been criticized once too often, for he put before the House last week an angry riposte: "Resolved: that to misrepresent the debates of the House, whether it arises from incapacity, inattention or partiality, has a mischievous tendency to infringe the freedom of debate, and that this House should no longer give sanction to it."

A few Congressmen joined Burke in his complaint. Elbridge Gerry of Massachusetts argued that although printers claimed to be impartial, they often devoted more space to Congressmen who shared their own views, and thus "had it in their power, by misrepresentation, to make whom they pleased [look] ridiculous." Most Congressmen disagreed. Virginia's James Madison, for one, said he had seen "very great misconceptions" of his own speeches, but had "no reason to believe it was done to pervert them." Another Virginian, John Page, argued that he "would rather submit to all the inconveniences of ridicule than sacrifice a valuable publication of useful information." Page proposed that Burke's motion be set aside, and Burke, having made his point, withdrew it.

His point, however, is much exaggerated. There are a few young printers who like to proclaim their own views as "editors"—like John Fenno, 38, publisher of New York's new semiweekly *Gazette of the United States.* Fenno is an outspoken Federalist, reverentially refers to the President as "His Excellency," and may be secretly supported by Federalist financiers. But most American printers pay at least some respect to the tradition of avoiding partisanship. "Uninfluenced by party, we aim to be just," says the heading on Benjamin Russell's highly regarded *Massachusetts Centinel.* Two of Pennsylvania's four German newspapers even have the word *Unpartheyische* in their names. That effort at fairness may be a reason for the extraordinary growth of the American press, which now provides more newspapers per capita than any other country in the world.

Of the nation's 85 newspapers, fully 59 were started since the end of the war, and of those 59, ten printed their first issues this year. Three new papers appeared last month alone—two in Norfolk, Virginia, and one in Fayetteville, North Carolina. Although high subscription rates (*e.g.,* 12 shillings a year) and delivery problems have kept average circulation down to 500 or 600, most Americans now have access to newspapers through the reading racks found in almost every tavern and coffeehouse. These papers are appearing more frequently, too. The nation now has seven dailies—three each in New York and Philadelphia, one in Charleston—compared with none in 1783.

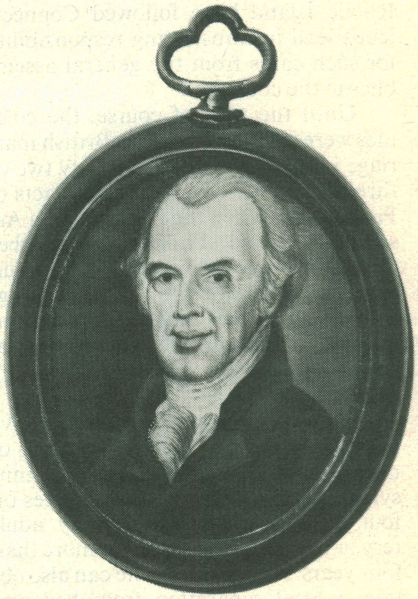
As significant as the number of new papers is their location. Only five years ago, the nation's press was largely confined to the major coastal cities. Today, pioneering printers follow closely in the wake of settlers heading west. Six of Pennsylvania's 15 newspapers and six of New York's 13 are inland. Printers John Scull and Joseph Hall founded the first newspaper west of the Alleghenies, the *Pittsburgh Gazette,* three years ago. After carrying their press across the mountains by wagon, they set up shop in the frontier town that then boasted a population of 300. A master of making do, Scull once printed the *Gazette* on cartridge paper borrowed from the commander at Fort Pitt.

The Kentucky district of Virginia got its first newspaper the year after Pittsburgh. Deciding that they needed a newspaper to help promote the cause of Kentucky's separation from Virginia, the settlers tried to lure a printer into the wilderness by placing advertisements in eastern papers. When no one responded, John Bradford, a Virginia surveyor who had recently come west, undertook the job. Founded primarily to argue for statehood, the *Kentucky Gazette* still concerns itself with few other issues. Its local news is limited almost entirely to accounts of Indian atrocities and white reprisals. Although Bradford maintains the tradition of fairness by printing both sides of the statehood issue, his commitment to a specific political cause may herald a shift in the American press toward greater partisanship, which could some day justify Congressman Burke's criticisms after all.

The Devil's Printer

Isaiah Thomas was six years old when he first set words in type: a satirist's bawdy 56-line ballad sung to the tune of *Our Polly Is a Sad Slut.* He had to stand on a bench to reach the type case at the Boston print shop where he was apprenticed, and the ballad took him two days to complete.

Thomas has come far since then. An indentured apprentice until the age of 16, with only six weeks' schooling in his entire boyhood, he is today, at 40, the most prolific publisher in the United States. His empire, based in Worcester, Massachusetts, turns out Bibles, hymnals, romances, a prospering newspaper, a highly influential magazine and a stream of children's books (*Mother Goose, Goody Twoshoes). Thomas's Al-*



AMERICAN ANTIQUARIAN SOCIETY

PUBLISHER ISAIAH THOMAS AND ONE OF HIS SUCCESSES

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manack, with a circulation of more than 5,000, is one of the most widely read annals in print. His song books are the first in the United States to be produced with movable music type (until now music had to be printed from engraved plates). Recently, he published the first American novel, *The Power of Sympathy* (*see* BOOKS).

This week he is adding two important titles to his growing list. One is his own edition of Noah Webster's popular *American Spelling Book* (*see* EDUCATION). And in the latest issues of the New York *Packet,* Thomas has placed a handsome advertisement soliciting subscriptions for "a neat American edition of the truly celebrated work, *Commentaries on the Laws of England,* by that justly admired Oracle of the Laws, the late Sir William Blackstone." If 400 customers subscribe—which is highly likely—he will publish a four-volume set priced at 4 dollars.

The Isaiah Thomas who is printing sober commentaries on English law is the same Isaiah Thomas who first became celebrated before the war as the publisher of the radical, pro-independence *Massachusetts Spy* (TIME, July 4, 1776). He still publishes the newspaper, though in a tamer version. But he now devotes more of his attention to his new *Massachusetts Magazine* (circulation: 800), a richly illustrated monthly produced at Thomas' five-press subsidiary publishing firm in Boston. The current issue contains historical reports ("Memoirs of Lafayette"), moral tales ("The Progress of Vice") and curiosities ("Account of the Marriage of Two Dwarfs").

Thomas has so far refused to move his operations to the literary center of Boston because he finds Worcester to be, as French Writer J.P. Brissot de Warville wrote after visiting Thomas' plant, "elegant and well-peopled." The Thomas headquarters, all painted yellow, stretches some 200 feet along Main Street, and includes a print shop with seven presses, a bindery, a well-stocked bookstore, the post office to which he was appointed Postmaster in 1775 by then Postmaster General Benjamin Franklin, and the splendid mansion where he entertains lavishly with his second wife Mary (he divorced the first for repeated adulteries).

Success has not dulled Thomas' penchant for devilry. Among the learned and inspirational tomes he turns out are such titles as *The Amorous Sailor's Letter to His Sweetheart* and *The Amours and Adventures of Two English Gentlemen in Italy.* A visitor to his print shop not long ago saw the first pages of a clandestine British volume that Thomas has apparently been considering: *Fanny Hill, or the Memoirs of a Woman of Pleasure.* If he ever produces it, then the nation's most distinguished publisher has not progressed that far from *Our Polly Is a Sad Slut* after all.

The Hogreeve

A religious song collection entitled *Psalmodia Evangelica* has been newly published in London and contains two "New England tunes" by Boston's William Billings. That should be enough, predicts one American critic, to make London parishes "pay proper tribute to his merit." If not, there is much more that deserves tribute, for one recent listing of 264 songs by American musicians shows that 226 of them were written by Billings. Yet few who enjoy his music know that this gifted composer, a tanner by profession, has recently had to take any work he could find to support his five children. He has been laboring as a coal inspector, a sealer of leather, a street cleaner, and a hogreeve. As hogreeve, he is officially charged with keeping stray swine off the streets.

Now 42, Billings was not born lucky. One of his arms is withered, his legs are of different length, and he is blind in one eye. Even his singing voice has been described as a bellow. With all these physical defects, he combines what another Bostonian calls "an uncommon negligence of person," including the lingering odors of the tannery vats and the traffic in hogs.

Despite his various handicaps, Billings is a dedicated creator. In the four books he has produced since *The New-England Psalm-Singer* (1770), he has ranged widely from marches to hymns to "fuging tunes" (a partly contrapuntal novelty that Billings jokingly defines as "notes flying after each other, altho' not always the same sound"). His famous war song *Chester* was solemnly patriotic ("Let tyrants shake their iron rod/ And slav'ry clank her galling chains/ We fear them not, we trust in God/ New England's God forever reigns"). His newer *Jargon* takes a far more playful tone. Says Billings in his instructions for its performance: "Let an ass bray the Bass, let the fileing of a saw carry the Tenor, let a hog who is extream hungry squeal the Counter, and let a cartwheel squeek the Treble."

As a singing master for the past 19 years, Billings directs the chorus in a number of Boston churches. Conservative churchmen have long argued that it is irreligious for parishioners to sing with too professional a skill, but Billings drills his flock relentlessly. At the start of each song, he blows a sort of whistle so that everyone will begin on the same note. He has devised a small machine that loudly beats time, so that everyone will continue to sing in the same rhythm.

Billings meets some of his expenses by imposing stern discipline on his singers. Sample: "Members should be very punctual in attending at a certain hour, or minute, under the penalty of a small fine." Such discipline has led to some of the best choral singing in Boston—and Billings' music is notable for its energy and its joy—but singing does not feed him and his children. For that, he still must clean the streets.

FRONTISPIECE (SIGNED BY PAUL REVERE) TO BILLINGS' FIRST PSALM BOOK

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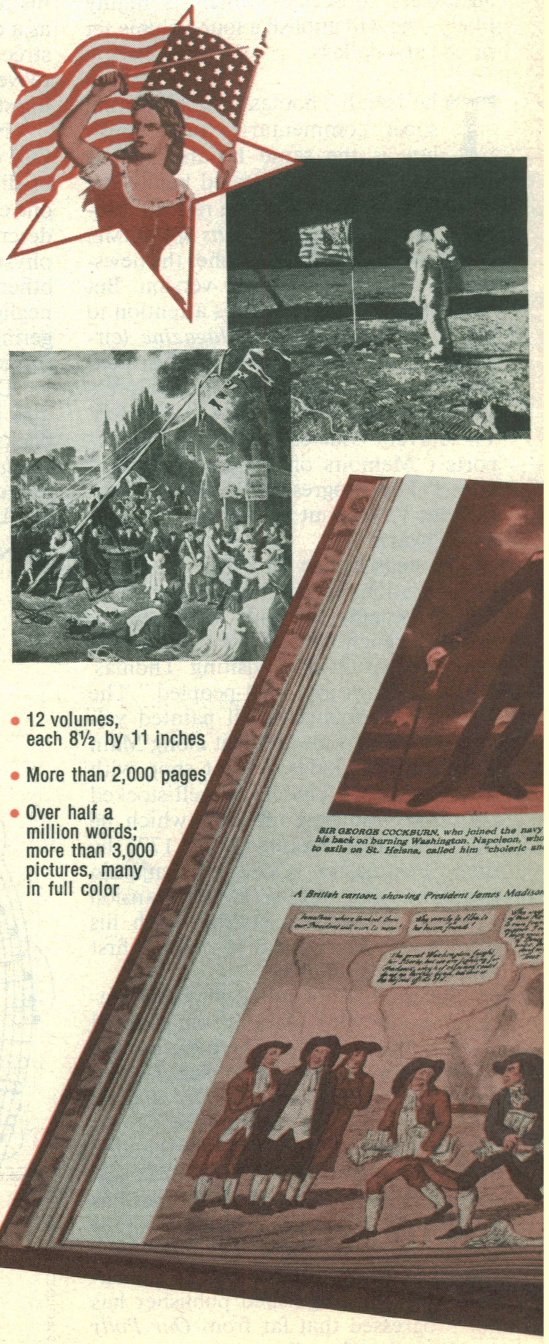

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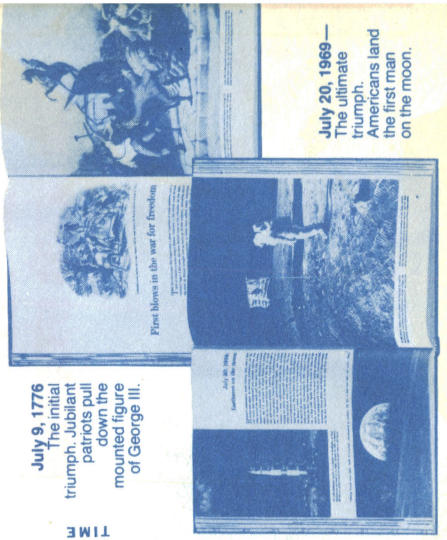

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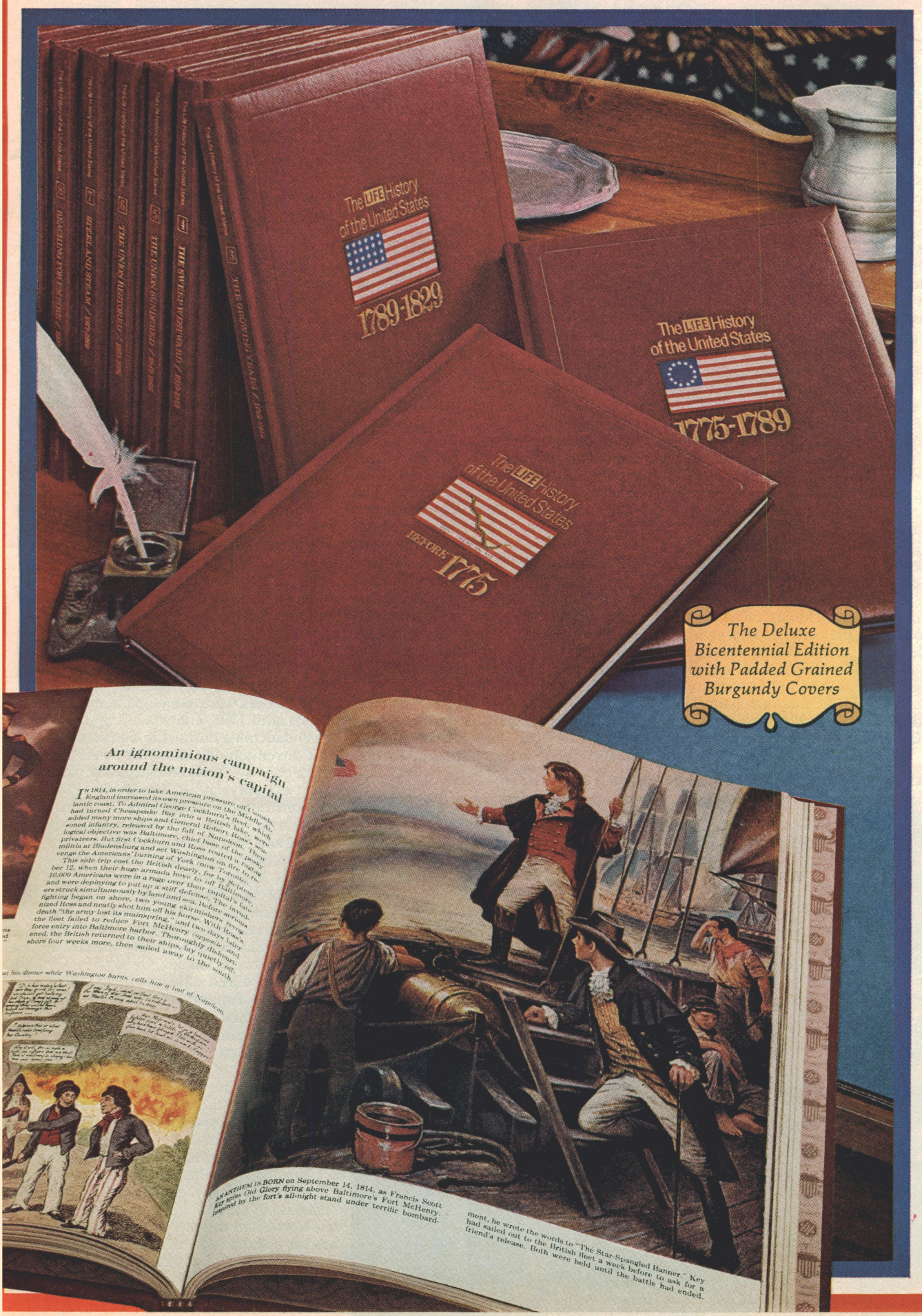
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BEFORE 1775
The Deluxe Bicentennial Edition with Padded Grained Burgundy Covers
An ignominious campaign around the nation's capital
IN 1814, in order to take American pressure off Canada, England increased its own pressure on the Middle Atlantic coast. To Admiral George Cockburn's fleet, which had turned Chesapeake Bay into a British lake, were added many more ships and General Robert Ross's seasoned infantry, released by the fall of Napoleon. Their logical objective was Baltimore, chief base of the pesky privateers. But first Cockburn and Ross routed a ragtag militia at Bladensburg and set Washington on fire to revenge the Americans' burning of York (now Toronto).
This side trip cost the British dearly, for by September 12, when their huge armada hove to off Baltimore, 10,000 Americans were in a rage over their capital's fate and were deploying to put up a stiff defense. The invaders struck simultaneously by land and sea. Before serious fighting began on shore, two young skirmishers recognized Ross and neatly shot him off his horse. With Ross's death "the army lost its mainspring," and two days later the fleet failed to reduce Fort McHenry (opposite) and force entry into Baltimore harbor. Thoroughly disheartened, the British returned to their ships, lay quietly offshore four weeks more, then sailed away to the south.
AN ANTHEM IS BORN on September 14, 1814, as Francis Scott Key spies Old Glory flying above Baltimore's Fort McHenry. Inspired by the fort's all-night stand under terrific bombardment, he wrote the words to "The Star-Spangled Banner." Key had sailed out to the British fleet a week before to ask for a friend's release. Both were held until the battle had ended.

'Comique Humour'

THE FATHER
by WILLIAM DUNLAP

"What have we here?" cries Colonel Duncan. And as his servant's candle suddenly illuminates the darkened stage at New York's John Street Theatre, what we have is a scene of erotic chaos. Captain Ranter is trying to ravish Mrs. Racket before the very eyes of the hidden Mr. Racket, who cannot make any protest because he himself has been trying to ravish the Rackets' servant Susannah. But Playwright Dunlap can resolve confusions as quickly as he can create them. While the Rackets are being reconciled, the door opens on Captain Haller, who soon turns out to be Colonel Duncan's long-lost son, as well as the prospective husband of the colonel's nubile ward, Caroline, as well as the rightful master of the self-styled "Captain Ranter." "Gentlemen, you have detected me," says that runaway servant. "Treat me as your generosity suggests."

It is all rather too quick. Dunlap has used the many tricks and artifices of London comedy—of Richard Sheridan *(The Rivals)* and John Vanbrugh *(Provok'd Wife)*. But Dunlap offers only an echo of those playwrights' high style and sense of character. This is understandable enough, for he is just 23, and this is his second play. The only son of a well-to-do New York china merchant, Dunlap originally wanted to be a painter, so his father sent him to London to study with the celebrated Benjamin West. But young Dunlap spent his three years overseas largely at the theatre.

Within his modest confines, Dunlap shows frequent flashes of fledgling humor. Captain Ranter says of a ludicrous doctor, "He's a queerity, by all that's quizzish," and the doctor vows vengeance "by all that's physical, chymical and galenical." When a German exclaims, "Cot pless me, I am all of a muck!" his shocked daughter asks how he can possibly "use such wulgar dispressions." At the end, the playwright directs the actress playing Caroline to step forward and address the audience: "And first, this play, I wonder you can bear it;/ I marvel much that you sat still to hear it!/ Pray don't encourage these young writers more;/ For if you do you'll have them by the score."

It is partly this puppyish frolicking that has brought *The Father* considerable success since it entered the Old American Company's repertory this month (accompanied at each performance by a different afterpiece). The play proved so popular that the text was published within a week. Reported the *Gazette of the United States:* "Sentiment, wit and *comique* humour are happily blended . . . nor is that due proportion of the pathetic, which interests the finest feelings of the human heart, omitted . . . From the reiterated plaudits which followed almost every incident, it is presumed that the public has seldom been gratified in a higher degree."

■ ■ ■

Much of the public's gratification is due to the Old American Company, which provides a matchless combination of acting experience and variety. The part of Colonel Duncan profited from the talents of Co-Manager John Henry, 43, whose previous triumphs have ranged from Shakespeare's Othello, whom he plays in a British officer's uniform and a frizzy wig, to Sir Peter Teazle in Richard Sheridan's *The School for Scandal.* Dublin-born, Drury Lane-trained, Henry made his American debut in 1767, and he takes pride in being the only actor in the United States to keep a carriage (a very small two-seater). Caroline, incidentally, is played by Henry's pretty wife Maria, whose eldest sister was Henry's first wife and whose next sister was his longtime mistress.

Co-Manager Lewis Hallam (Mr. Racket) is equally protean. The son of the company's founder, he came to America at twelve and has been both a nimble dancer and a thoughtful Hamlet. An eye injury he received in a stage duel gives him a special quality as Richard III ("His battered looks and shrunk carcase looks the debilitated rake," as one critic put it).

This company, first brought to Virginia in 1752, is unquestionably the finest in America, but it has had great troubles in its recent years of migration. After Congress's 1774 resolution against "every species of extravagance and dissipation," the company barely survived ten years of exile in the West Indies. Its first postwar offerings in New York were hampered by local officials until 1785, and when it appeared in Philadelphia during the Constitutional Convention, the company could perform only by proclaiming that its plays were not plays at all but simply moral demonstrations. Thus Oliver Goldsmith's *She Stoops to Conquer* was presented as a "lecture on the disadvantages of improper education," and Shakespeare's *King Lear* as a spectacle of "the crime of filial ingratitude." Only this past March did Pennsylvania end its ban on theatrical performances, which are still forbidden throughout Massachusetts and Rhode Island.

"No civilized state is without [a theatre]," said Pennsylvania Congressman George Clymer during last winter's debate in Philadelphia. The chief proponent of that new view is President Washington. Just a few days after his Inauguration, he went to see *The School for Scandal* at the John Street Theatre, which had been specially decorated with a brightly illuminated painting of Fame as an angel descending from Heaven to crown the new President. Washington likes, indeed, to send tickets to his friends, and mindful of past censorship, he urged one couple "not to feel themselves embarrassed in the smallest degree if they have any reluctance to visiting the theatre."

DUNLAP'S PAINTING OF SELF SHOWING HIS PAINTING OF HAMLET TO PARENTS

NEW-YORK HISTORICAL SOCIETY

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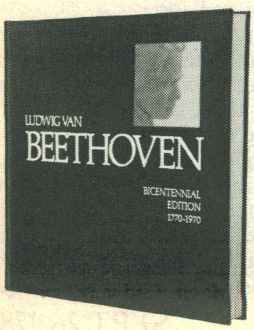

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O Seduction!

THE POWER OF SYMPATHY: OR, THE TRIUMPH OF NATURE
by ANONYMOUS
296 pages. Isaiah Thomas & Co.
9 shillings.

In the years since Samuel Richardson wrote his *Pamela* and Henry Fielding his *Tom Jones,* the public fancy for the "novel" has become a kind of infatuation, particularly among women. The current catalogue of Boston Bookseller Benjamin Guild offers no fewer than 300 such frivolities imported (or pirated) from Europe, including titles like *Married Libertines* and *Suspicious Lovers.* Not until now, however, has an American written a full-length novel, so it is notable that this first effort from Boston is based on high moral views. As one of the characters declares: "Novels not regulated on the chaste principles of true friendship, rational love, and connubial duty [are] totally unfit to form the minds of women."

NEW-YORK HISTORICAL SOCIETY

FRONTISPIECE SHOWS SUICIDE OF OPHELIA
"Oh, why did Willy do such a thing?"

Despite his high principles, the author of *The Power of Sympathy* tells a somewhat sordid story of adultery and threatened incest. In brief, wealthy young Thomas Harrington meets and plans to seduce an orphaned girl named Harriot. "I am not so much of a republican as formally to wed any person of this class," he explains. But Harriot's virtue soon inspires Harrington to an honorable proposal, and even to moderate his political views ("Inequality among mankind is a foe to our happiness"). This prospect of marriage compels a family friend to disclose Harriot's secret history: she is the illegitimate child of Harrington's own father. The disclosure of "a criminal connection" causes Harriot to fall ill, and after writing to Harrington about her "warring passions," she abruptly dies. The stricken Harrington begins contemplating suicide ("Will not the Eternal Dispenser of Good pardon the awful deed that frees me from this world of misery?"). His body is found next to a copy of a novel, *The Sorrows of Young Werther.*

What this gloomy tale of retribution lacks in verisimilitude, it also lacks in style. It is told entirely in the form of letters written by the various characters, and the letters themselves are somewhat more theatrical than necessary. "Hail *Sensibility!* Sweetener of the joys of life!" writes Harrington during one of his more cheerful moments. "O Seduction!" writes Harriot, about the story of a girl named Ophelia, "how many and how miserable are the victims of thy unrelenting vengeance!"

The incidental story of Ophelia provides some clues to the identity of the anonymous author, and also to the puzzling fate of this first novel, namely its disappearance from many bookstores. Ophelia was seduced by her brother-in-law, and then so harshly denounced by her father that she killed herself ("O fatal! fatal poison!"). Boston readers could hardly help recalling last year's clamor about Frances Apthorp, who had lived on State Street with her sister Sarah and her brother-in-law, Perez Morton. Seduced by Morton, scorned by her father, she too drank poison and died.

Many also knew that the Mortons lived just across the street from Clockmaker Gawen Brown, whose son, William Hill Brown, 24, has written a number of poems and essays. It is said that after the book's publication, the dead girl's mother angrily went to the Brown house and said to Mrs. Brown: "Oh, why did Willy do such a thing when we were such good friends?" Answered Mrs. Brown: "The names are fictitious." Retorted Mrs. Apthorp: "But everybody knows whom he means."

When the Apthorps' distress became known, Publisher Isaiah Thomas and the anonymous author apparently agreed to stop selling the book and to destroy all existing copies. So the first American novel had scarcely appeared before it disappeared again.

A Loaded Weapon

AN INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION
by JEREMY BENTHAM
435 pages. T. Payne. 1 guinea.

There are no sounds of musket fire in Jeremy Bentham's quiet life as a philosopher in London. But his third and most important book, *An Introduction to the Principles of Morals and Legislation,* can nonetheless be described as a loaded weapon pointed at the body of English politics. Bentham, 41, has proposed nothing less revolutionary than that the laws governing mankind be rewritten as a science rather than a moral code—according to the concept of "utility" rather than the traditional ideal of justice, of right and wrong.

Aristotle said goodness was happiness. Bentham argues that happiness is goodness—that the only purpose of government is to increase pleasure and reduce pain. As for the citizen, he owes obedience to his laws only in so far as they prove "utilitarian"—*i.e.,* prove useful in producing "the greatest happiness of the greatest number."

Bentham has the marvelous arrogance to assert two propositions: that he knows what pleasure is, not only for himself but for all men; and that he can construct a system to enforce it. With almost mathematical precision, Bentham weighs the pleasures of wealth, of power, of a good name. With the same methodical diligence, he calculates the "offences" against them—*e.g.,* "wrongful divestment of property," "corporal insults," "sacrifice of virginity." Finally, he computes the penal price to be paid by offenders—kept to a minimum because prisoners' pleasure-pain ratio must be considered, too.

Like many rule-making thinkers, Bentham is not notably tolerant of others. "Principles of caprice" he calls the arguments of those who disagree with him, including exponents of monarchy, organized religion, and "natural rights." The poet Johann Wolfgang von Goethe is said to refer to Bentham as "that frightfully radical ass." But Bentham would apply the same term to his *bête noire,* Thomas Paine *(Common Sense).*

He considers the American fight for independence right, but for the wrong reasons—a movement of idealists rather than utilitarians, confusing what is with what ought to be. Bentham writes of the Declaration of Independence: "Who can help lamenting that so rational a cause should be rested upon reasons so much fitter to beget objections than to remove them?"

What does Bentham's pursuit of happiness depend upon? A tacit recognition of the ethic of work, property rights, civil liberties. At the heart of his philosophy lies the assumption that what is good for the English merchant is good for the world.

Here are admirable though not necessarily universal values. But then, Jeremy Bentham, a frail child grown into an abstemious adult, makes an odd sort of hedonist. He tends to be humorless, like many prodigies (a lawyer's son, he studied Latin at four, entered Oxford at twelve). Though he pays endless lip service to pleasure, he does it through lips that never touch wine and have little taste for poetry either. "Sexual pleasure" is on his list, along with money. Yet he is a shy bachelor, and lives a near-ascetic life. His only known self-indulgences are gardening and playing Handel and Corelli on the organ.

Bentham's admirers have called him "the Newton of the moral world," but this is true only to the extent that his philosophy consists mostly of rules. "Codify," a word that Bentham coined, sums up his passion. Yet if there is anything more futile than trying to legislate morality, it is trying to legislate pleasure. Bentham tries to do both, and to call them one and the same thing.

Joy Is My Name

SONGS OF INNOCENCE
by WILLIAM BLAKE
Printed by the author.
31 plates. Custom made, 2 to 5 guineas.

This small collection of gentle poems, the author's first published volume, is a bouquet of rarities. Innocence is the theme, and innocence is rare. Certainly it is not abundant in London, where the poet, a master engraver, practices his craft. Yet Blake, 31, lets innocence speak for itself, and for its own sake, often in the voice of a child. We hear of lambs, love, springtime, bird songs and laughter. There is no adult observer to mock, to stand aside and smile a rueful smile.

A further and perhaps greater rarity is the verdant, idyllic quality of the book itself. Blake considers himself first a visual artist, and only second a poet. The illustrations of *Songs of Innocence* twine about the words, and the words wind through the pastoral scenes that illustrate them in a way that is wholly new.

Each page has been printed from a single copper plate, drawn and lettered with a varnish of pitch and turpentine, and then etched with acid, by a novel method of the engraver's own devising. (Blake himself, a mystic and follower of the late Swedish seer Emmanuel Swedenborg, asserts that the method was confided to him in a vision by his dead younger brother Robert.) The glowing colors are applied by hand to each sheet by the artist and his wife. Gracefully drawn miniature figures of shepherds, children and maidens disport themselves. Sinuous, stylized vines and perfect blossoms frame the text.

The poems themselves are brief and open-hearted. Because they are transparent, they are risky for the poet, since there is no place in them to hide false art or false emotion. Blake's simple notes ring clearly:

Piping down the valleys wild,
Piping songs of pleasant glee,
On a cloud I saw a child,
And he laughing said to me:
"Pipe a song about a Lamb!"
So I piped with merry chear.
"Piper, pipe that song again,"
So I piped, he wept to hear.

The other poems at the beginning of the collection are equally limpid. One of the loveliest and most beautifully illustrated is a tiny thing called *Infant Joy*. The plate shows a young mother, an angel and a baby, sheltered by the petals of a flower. The words are as brief as a smile:

"I have no name:
I am but two days old."
What shall I call thee?
"I happy am,
Joy is my name."
Sweet joy befall thee!

Pretty joy!
Sweet joy, but two days old.
Sweet joy I call thee:
Thou dost smile,
I sing the while,
Sweet joy befall thee!

This simplicity is breathtaking. Yet as the book lengthens, it deepens. Blake remains true to innocence, but his final poems set up disturbing resonances that recall the world of guilt that innocence must endure. In *The Chimney Sweeper* innocence remains steadfast, though the lot of the speaker is hopeless:

When my mother died I was very young,
And my father sold me while yet my tongue
Could scarcely cry " 'weep! 'weep! 'weep! 'weep!"
So your chimneys I sweep & in soot I sleep.

This verse is not a fancy. Desperate parents do sell children at the age of four or five to climb chimneys (naked often, because clothes catch on rough plaster) and brush out soot. " 'Weep! 'weep!" is Blake's pathetic reading of the cry "sweep! sweep!" yelled by the children as they roam the streets looking for work. "In soot I sleep" is actual; at night in the houses of the master sweeps, the children, having no better pallets, often sleep on bags filled with the soot they have scraped out of chimneys.

In Blake's poem, the child speaker tells how, when a very young sweep cried, he comforted the little boy, Tom, who then dreamed of an angel coming to set all the sweeps free, and let them "wash in a river, and shine in the Sun." The vision gave Tom a new hope,

And so Tom awoke; and we rose in the dark,
And got with our bags & our brushes to work.

THE LESSING ROSENWALD COLLECTION, LIBRARY OF CONGRESS

BLAKE'S FRONTISPIECE TO FIRST PUBLISHED POEMS
Lambs, love, springtime, bird songs and laughter.

Tho' the morning was cold, Tom was happy & warm;
So if all do their duty they need not fear harm.

The last line is a brave lie, but its bravery is a truth. Innocence has meaning not only in an imagined countryside of lambs and shepherds but in the world of harsh experience. This piteous verse shades and defines an altogether remarkable collection and surely foreshadows poetry in which the author's theme is not innocence but bitter knowledge.

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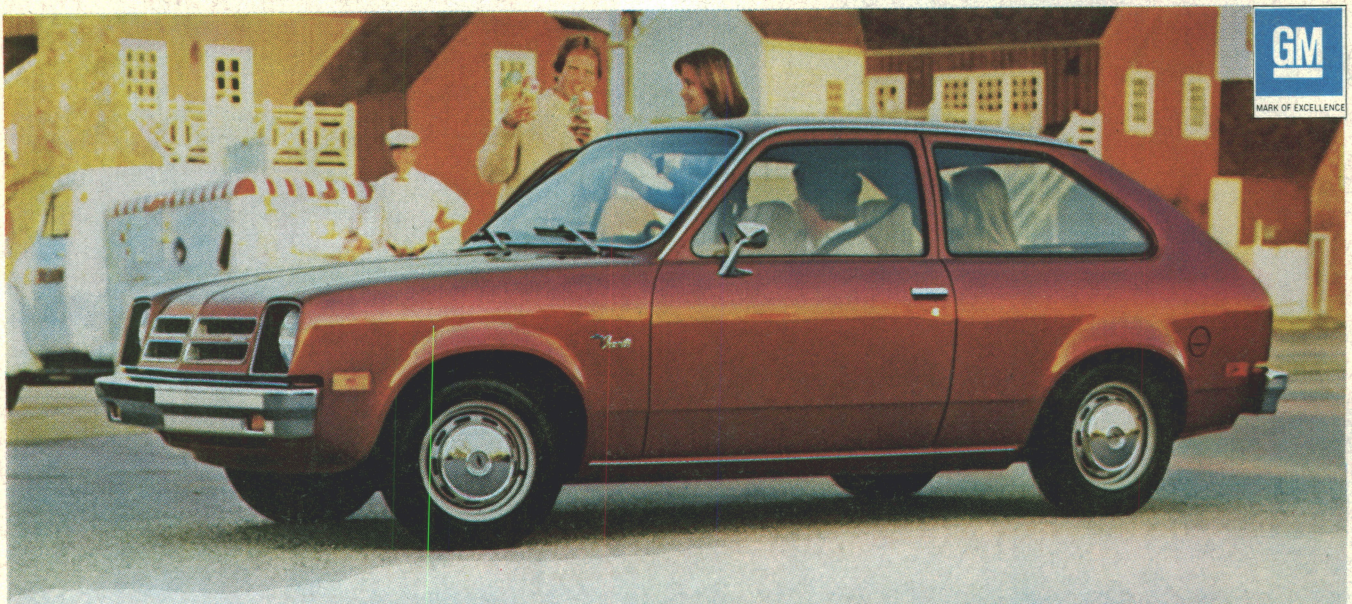

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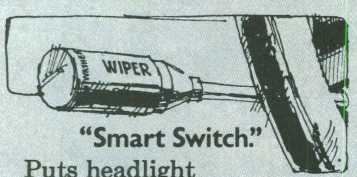

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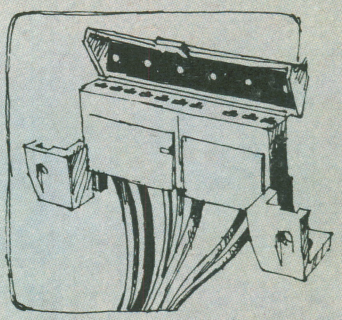

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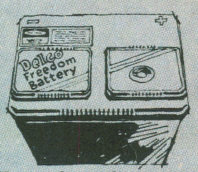

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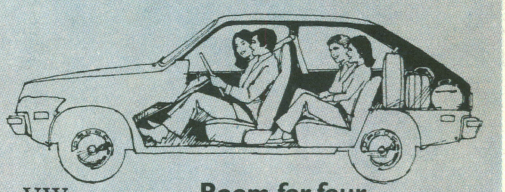

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